

by means of sulphur fumes or gas have been carried out within the three months preceding arrival at Kobe, shall until further notice carry out such operations at Kobe.

Kobe steamship agents have also been informed that in future no quarantine inspection will be carried out after 9 P.M., even on mail steamers or other vessels which urgently require to pass quarantine. Further, quarantine inspection will not be carried out after sunset on vessels which lie outside the harbour limits.

L. C. PORTER,

*Secretary to the Government of India.*

## DEPARTMENT OF REVENUE AND AGRICULTURE.

### NOTIFICATIONS.

#### AGRICULTURE.

*Simla, the 7th October, 1912.*

**No. 939-79-15.**—Mr. D. Hooper, F.C.S., F.L.S., Curator, Indian Museum, Industrial Section, and officiating Economic Botanist to the Botanical Survey, is appointed Economic Botanist to the Botanical Survey with effect from the 17th October 1912, the date from which Mr. I. H. Burkhill, the present permanent incumbent of the post, vacates.

### FORESTS.

*The 10th October, 1912.*

**No. 836-272-19-F.**—Mr. H. G. Billson, Deputy Conservator of Forests, United Provinces, relieved Mr. R. S. Troup of the additional charge of the Office of Assistant Inspector-General of Forests, with effect from the afternoon of 4th October 1912, from which date he is appointed to officiate as Assistant Inspector-General of Forests.

Mr. R. S. Troup on relief reverted to his substantive post of Sylviculturist at the Forest Research Institute and College, Dehra Dun.

E. D. MACLAGAN,

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

### NOTIFICATION.

*Simla, the 11th October, 1912.*

**No. 51.**—The undermentioned gentlemen have been appointed Assistant Engineers by His Majesty's Secretary of State for India, and are posted as follows:

Mr. Thomas Ian Sutherland Mackay	...	...	...	Madras.
Mr. Alfred Stuart Manger	...	...	...	Bombay.
Mr. Charles George Hawes	...	...	...	Bengal.
Mr. John Alan Stein	...	...	...	Bengal.
Mr. Douglas Harold Green	...	...	...	United Provinces, Irrigation Branch.
Mr. William Ewart Blizzard	...	...	...	United Provinces, Irrigation Branch.
Mr. Mohsin Ali	...	...	...	Punjab, Irrigation Branch.
Mr. John Orme Waterhouse	...	...	...	Punjab, Irrigation Branch.
Mr. William George Dench	...	...	...	Punjab, Irrigation Branch.
Mr. Iqbal Hussain	...	...	...	Punjab, Irrigation Branch.
Mr. Reginald Trevor Jones	...	...	...	Punjab, B. & R. Branch.
Mr. William Aeneas Hall	...	...	...	Burma.
Mr. Richard John Harrington Hudson	...	...	...	Bihar and Orissa.
Mr. Claude Richard Lifford Hewitt	...	...	...	Bihar and Orissa.
Mr. Kenneth Eustace Lee Pennell	...	...	...	Assam.

M. NETHERSOLE,

*Offg. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATION.

*Simla, the 8th October, 1912.*

**No. 2125-I. C.—Erratum.**—In the Notification of the Government of India in the Foreign Department, No. 1275-I.B., dated the 14th June 1912, for the words “Babu Kamal Charan Datta, Sub-Assistant Surgeon, in Bengal”, read “Babu Kamal Charan Datta, Sub-Assistant Surgeon, in the Province of Assam”.

A. H. McMAHON,

*Secretary to the Government of India.*

## FINANCE DEPARTMENT.

## NOTIFICATIONS.

## LEAVE AND APPOINTMENTS.

*Simla, the 8th October, 1912.*

**No. 761-F. E.**—The following reversions in the classes of Superintendents in the Government of India, Finance Department Secretariat, are notified:—

With effect from the 1st October 1912—

Mr. B. A. Laville to cease to be on special duty,

Mr. M. E. Watts to revert to Class II,

Mr. A. V. V. Aiyar to revert to Class III,

and

Mr. G. J. Piper to revert to his substantive appointment.

**No. 770-F. E.**—Mr. C. W. Sandford has been promoted to the General List of the Indian Finance Department with effect from the 1st April 1912 and has been appointed Auditor of Custom House Accounts in India with effect from the same date.

*The 10th October, 1912.*

**No. 775-F.E.**—The services of Mr. G. Leathem, I.C.S., are replaced at the disposal of the Government of Bombay with effect from the 18th October 1912.

*The 11th October, 1912.*

**No. 777-F.E.**—Mr. M. A. Hafeez, Assistant Accountant General, Bengal, has been granted privilege leave for 14 days with effect from the 1st October 1912.

**No. 778-F.E.**—Mr. R. F. G. Scott has been posted to the office of the Examiner of Accounts, Military Works, with effect from the 30th September 1912.

## SEPARATE REVENUE.

## STAMPS.

## Non-Judicial Stamps.

*The 9th October, 1912.*

**No. 444-F.**—In exercise of the powers conferred by section 9, clause (a) of the Indian Stamp Act, 1899 (II of 1899), the Governor General in Council is pleased to direct that the following shall be added after entry No. 38 of the Notification of the Government of India in the Finance Department, No. 3616-Exc., dated the 16th July 1909, namely:—

## VETERINARY DEPARTMENT.

“38-A. Agreement and security bonds required to be executed by a student and his sureties previous to his entry into the Madras Veterinary College”.

## SEPARATE REVENUE.

## OPIUM.

*The 11th October, 1912.***No. 784-F. E.**—It is hereby notified that :—

- (1) In the calendar year 1913 not more than 14,920 chests of Bengal opium will be offered for sale, of which 1,720 chests will be certified for shipment to China, and the rest (13,200 chests) will be for shipment to other countries.
- (2) Subject to clause (4), there will be no sales of certified opium in November and December 1913. At each of the monthly sales in January to September 170 chests will be offered for sale, of which 115 chests will be Patna opium and 55 chests will be Benares opium. The quantity offered for sale in October will be 190 chests, of which 165 chests will be Patna opium and 25 chests Benares opium.
- (3) Subject to clause (4), uncertified opium will be sold in each of the twelve months in 1913. The quantity offered for sale in each month will be 1,100 chests, of which 910 chests will be Benares opium and 190 chests Patna opium.
- (4) Government reserves to itself the right to alter the quantity and class of opium to be offered for sale in each month. No reduction in the quantities to be sold, however, will be made without three months' previous notice.

H. F. HOWARD,

*Offg. Secretary to the Government of India.*

## FINANCE DEPARTMENT (MILITARY FINANCE).

## NOTIFICATIONS.

## LEAVE AND APPOINTMENTS.

*Simla, the 11th October, 1912.***No. 1234-Accts.**—The following officiating appointments of officers of the Military Accounts Department are made, with effect from the date specified :—*From the 1st August 1912, the date of commencement of Major J. H. Hudson's leave.*

Major R. H. B. Anderson, Military Accountant, 2nd class, to officiate as Military Accountant, 1st class.

Captain A. W. Daldy, Military Accountant, 4th class, and officiating Military Accountant, 3rd class, to officiate as Military Accountant, 2nd class.

Captain H. N. F. MacDonnell, Assistant Military Accountant, 1st class, and officiating Military Accountant, 4th class, to officiate as Military Accountant, 3rd class.

Captain A. G. Murray, Assistant Military Accountant, 2nd class, and officiating Assistant Military Accountant, 1st class, to officiate as Military Accountant, 4th class.

**No. 1235-Accts.**—The following reversion of an officiating Deputy Examiner, 2nd Grade, Military Accounts Department, is made, with effect from the date specified :—*From the 28th September 1912, consequent on the return of Major H. G. W. Chandler from privilege leave.*

Mr. W. W. Aikin, officiating Deputy Examiner, 2nd Grade, to revert to his own grade.

W. H. MICHAEL,

*Offg. Joint Secretary to the Government of India.*

## DEPARTMENT OF COMMERCE AND INDUSTRY.

## NOTIFICATIONS.

## SALT.

*Simla, the 12th October, 1912.*

**No. 7480-84.**—In continuation of the Notification in this Department No. 7259-84, dated the 28th September 1912, Mr. A. M. Young, Superintendent, Northern India Salt Revenue Department, is granted an extension of privilege leave for seven days.

## CUSTOMS ESTABLISHMENT.

*The 12th October, 1912.*

**No. 7523-2.**—In supersession of the Notification of the Government of India in this Department No. 6800-2, dated the 14th September 1912, Mr. J. A. Stevens, an Assistant Collector in Class II of the Imperial Customs Service, is granted privilege leave for twelve days, with effect from the 3rd October 1912.

## TELEGRAPH ESTABLISHMENT.

*The 12th October, 1912.*

**No. 7527-198.**—Captain L. Evans, R. E., attached to the Indian Telegraph Department, is granted privilege leave out of India for three months, with effect from the 11th October 1912.

## LIGHTING OF COASTS.

*The 12th October, 1912.*

**No. 7697-12.**—In accordance with the provisions of Section 16 of the Burma Coast-lights Act, 1879 (IX of 1879), the Governor General in Council has directed the publication of the following *pro forma* account showing the receipts and charges in connection with the Burma Coast-lights for the year which ended on the 31st March 1912.

*Annual pro forma account of the Burma Coast-light Dues for the year 1911-12.*

CAPITAL EXPENDITURE UP TO		Interest at 4 per cent on capital expenditure.	Annual sinking fund payment necessary to liquidate the capital expenditure incurred to date in 60 years assuming interest at the rate of 3 per cent.	Excess of the annual receipts over the annual establishment and maintenance charges.	Profit or Loss.
Year.	Amount.				
1	2	3	4	5	6
		Rs.	Rs.	Rs.	Rs.
1911-12	...	45,98,978	1,83,959	29,231	2,23,585 + 10,395

**NOTE.**—General charges on account of the supervision of the Lights by the Principal Port Officer, Burma, and by other Administrative Officers of the Government, also the cost of pensions to the Establishment are not included in the charges incorporated in this statement.

## EXCISE.

*The 12th October, 1912.*

**No. 7668-212.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the taking of *jagri* from any part of British India into that portion of the Indian possessions of the Government of Portugal which is known as the Pargana of Nagar Avely.

R. E. ENTHOVEN,  
*Secretary to the Government of India.*

## ARMY DEPARTMENT.

*Simla, the 11th October 1912.*

## LONDON GAZETTE.

No. 975.—The following extracts are published for general information:—

“London Gazette”, dated the 17th September 1912, pages 6857 and 6858.

\* \* \* \* \* \* \* \*  
War Office,  
17th September 1912.

## MEMORANDA.

\* \* \* \* \* \* \* \*  
Commissary and Honorary Captain William Garnett, Indian Army Clothing Department, is granted the honorary rank of Major. Dated 18th September 1912.\* \* \* \* \* \* \* \*  
The undermentioned Native Officers, Indian Army, are granted honorary rank on retirement:—

## As Captain.

Subadar-Major Rekha Ram, Sardar Bahadur, 6th Jat Light Infantry. Dated 1st March 1912.

Subadar-Major Prem Singh, Sardar Bahadur, 32nd Sikh Pioneers. Dated 1st July 1912.

## As Lieutenant.

Subadar Niyaz Khan, Sardar Bahadur, 57th Wilde's Rifles (Frontier Force). Dated 1st July 1912.

\* \* \* \* \* \* \* \*  
“London Gazette,” dated the 20th September 1912, page 6937.\* \* \* \* \* \* \* \*  
War Office,  
20th September 1912.

## REGULAR FORCES.

## COMMANDS AND STAFF.

The following notification is substituted for that which appeared in the Gazette of the 25th June 1912:—

Brevet Lieutenant-Colonel Alexander S. Cobbe, V.C., D.S.O., 32nd Sikh Pioneers, to be an Aide-de-Camp to The King, and is granted the brevet rank of Colonel, vice Major-General H. D'U. Keary, C.B., D.S.O., Indian Army. Dated 1st December 1911.

\* \* \* \* \* \* \* \*  
PROMOTIONS.

No. 976.—The undermentioned officers are granted the temporary rank of Brigadier-General, subject to His Majesty's approval, with effect from the 6th October 1912:—

Colonel H. E. Stanton, C.B., D.S.O., A.D.C., British Service, whilst holding the appointment of Deputy Quartermaster General, Quartermaster General's Branch, Army Head Quarters, India.

Colonel W. G. Hamilton, D.S.O., British Service, whilst holding the appointment of Deputy Adjutant General, Adjutant General's Branch, Army Head Quarters, India.

## INDIAN ARMY.

No. 977.—The following promotions are made, subject to His Majesty's approval:—

*Captains to be Majors.*

10th October 1912.

Harold Adrian Holdich, 5th Gurkha Rifles (Frontier Force).  
 Thomas Rose Caradoc Price, 11th King Edward's Own Lancers (Probys Horse).  
 Marmaduke Henry Littledale Gale, 8th Cavalry.  
 Charles de Joncourt Luxmoore, 99th Deccan Infantry.  
 Charles Alban Grevis Shoubridge, 112th Infantry.  
 Francis Taylor Duhan, 19th Punjabis.  
 Norman Ruthven Anderson, 130th King George's Own Baluchis (Jacob's Rifles).  
 Spencer Burton Watson, 64th Pioneers.  
 Robert Wynne Henderson, 17th Cavalry.  
 Denzil Ibbetson Michael Macaulay, 1st Duke of York's Own Lancers (Skinner's Horse).  
 Harry Norman Young, Supply and Transport Corps.  
 Harry Ernest Browne, 47th Sikhs.  
 Thomas Sands Cox, 16th Cavalry.  
 Lionel Stuart Logan, Supply and Transport Corps.  
 Allan Gilbert Mayhew Hogg, 42nd Deoli Regiment.  
 Claude Edward Bateman-Champain, 5th Gurkha Rifles (Frontier Force).  
 Cecil William Carey, Queen Victoria's Own Corps of Guides (Lumsden's).  
 George Augustus Hawks, Military Farms Department.  
 William Horsburgh Lane, 95th Russell's Infantry.  
 Charles Eugene Barnes Robinson, 117th Mahrattas.  
 Montague Claude Nangle, 92nd Punjabis.  
 Percival Ernest Knapp, 51st Sikhs (Frontier Force).  
 William Archibald Small Walker, 46th Punjabis.  
 Hugh Walter Davies, Supply and Transport Corps.  
 Everard Graham Stanley Trotter, Cantonment Magistrates' Department.

*Lieutenants to be Captains.*

10th August 1912.

Vernon Beadon, Civil Employ.  
 10th October 1912.  
 Richard Bellingham Langrishe, 62nd Punjabis.  
 Christopher Codrington Stewart, 20th Duke of Cambridge's Own Infantry (Brownlow's Punjabis).  
 Roy Neil Boyd Campbell, 23rd Sikh Pioneers.  
 Francis Richard Cosens, 4th Prince Albert Victor's Rajputs.  
 Henry Spencer Cardew, 39th Garhwal Rifles.  
 Arthur Calvert Keir Stewart Clarke, 15th Lancers (Cureton's Multanis).  
 James Edward Douglas Prothero, Civil Employ.  
 Colin Metcalfe Dallas Enriquez, 21st Punjabis.  
 Harold Exham, 7th Gurkha Rifles.  
 Gilbert Stuart Kennedy, 1st King George's Own Gurkha Rifles (The Malau Regiment).  
 John McLeod Grigor Taylor, 119th Infantry (The Mooltan Regiment).

Guy Tullock Dennys, 31st Punjabis.  
 Percy d'Aguilar Banks, Queen Victoria's Own Corps of Guides (Lumsden's).  
 Cyril Nisbet Steel, 25th Punjabis.  
 Robert Francis Woodward, 130th King George's Own Baluchis (Jacob's Rifles).  
 Montague Wace, 14th King George's Own Ferozepore Sikhs.  
 Harold George Chesney, 4th Prince Albert Victor's Rajputs.  
 Geoffrey Valence Comyn, 95th Russell's Infantry.  
 Montagu Chenevix Baldwin, 1st King George's Own Gurkha Rifles (The Malaun Regiment).  
 Frank Alan Macartney, 53rd Sikhs (Frontier Force).  
 Alexander Masters, 34th Sikh Pioneers.  
 John Ashton Pottinger, 30th Punjabis.  
 William de Carteret Malet, 14th Murray's Jat Lancers.

## INDIAN MEDICAL SERVICE.

No. 978.—The following promotion is made, subject to His Majesty's approval :—  
*To be Colonel.*

Lieutenant-Colonel Blenman Buhot Grayfoot, M.D., *vice* Colonel W. A. Corkery, retired ; with effect from the 25th August 1912.  
 Colonel Grayfoot's tenure of appointment will reckon from the 10th September 1912.

No. 979.—The promotion of Captain B. Gale, M.B., notified in Army Department Notification No. 637, dated the 28th June 1912, is ante-dated to the 30th January 1912.

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## SUB-ASSISTANT SURGEON BRANCH.

## Bengal Establishment.

No. 980.—The undermentioned Sub-Assistant Surgeon is specially promoted in recognition of good services rendered by him to the State, with effect from the 10th September 1912 :—

No. 767, 1st Class Sub-Assistant Surgeon Barkat Ram (E) to be Senior Sub-Assistant Surgeon, 2nd Class, ranking as Jemadar, *supernumerary*.  
 (E) Passed in English.

## MISCELLANEOUS LIST, MADRAS.

No. 981.—Deputy Commissary and Honorary Captain Walter William Laskey to be Commissary ; with effect from the 26th August 1912.

## NATIVE ARMY.

## APPOINTMENTS AND PROMOTIONS.

## 18th King George's Own Lancers.

No. 982.—Jemadar Malik Sultan Ahmad Khan, appointed on probation in Army Department Notification No. 814, dated the 27th August 1909, is confirmed in that rank ; with effect from the 10th September 1909.

No. 983.—The following promotions are made :—

## 27th Light Cavalry.

Ressaider Dhulip Singh to be Risaldar-Major, Jemadar Bhagwan Sahai to be Ressaider and Dafadar Indraj Singh to be Jemadar, *vice* Girwar Singh, transferred to the pension establishment ; with effect from the 1st July 1912.

Kote-Dafadar Muhammad Khan to be Jemadar, *vice* Jemadar Diwan Ali Khan, transferred to the Aden Troop ; with effect from the 1st July 1912.

Ressaider Mul Singh to be Risaldar, Jemadar Agar Singh to be Ressaider and Dafadar Bharat Singh to be Jemadar, *vice* Risaldar Shiiji Singh, transferred to the Governor's Body-Guard, Bengal ; with effect from the 16th September 1912.

## 24th Punjabis.

Havildar Hashim Ali Khan to be Jemadar, *vice* Hukmdad Khan, transferred to the pension establishment ; with effect from the 4th August 1912.

*1st Battalion, 39th Garhwal Rifles.*

Subadar Nathu Sing Sunar, *Sardar Bahadur*, to be Subadar-Major, Jemadar Kedar Sing Rawat to be Subadar and Colour-Havildar Bishan Sing Rawat to be Jemadar, *vice* Amar Sing Negi, *Bahadur*, deceased; with effect from the 5th September 1912.

*55th Coke's Rifles (Frontier Force).*

Havildar Nawais Ali to be Jemadar, *vice* Sardar Khan, invalided; with effect from the 16th September 1912.

*83rd Wallajahbad Light Infantry.*

Jemadar Sambu Singh to be Subadar and Havildar Dharmaraju to be Jemadar, *vice* Murugayya, deceased; with effect from the 31st August 1912.

*24th Punjabis.*

No. 984.—The promotion of Colour-Havildar Jhanda Singh notified in Army Department Notification No. 837, dated the 30th August 1912, should have effect from the 1st August 1912 and not as therein stated.

## PENSIONS.

## WARRANT OFFICERS.

No. 985.—The undermentioned warrant officer has been transferred to the pension establishment, with effect from the date specified:—

Sub-Conductor John Blake Cullen, Assistant Barrack Master, Military Works Services, 16th September 1912.

## RESIGNATIONS.

## INDIAN ARMY.

No. 986.—Lieutenant William Donald McNeale Rathborne, 113th Infantry, has been permitted by the Most Hon'ble the Secretary of State for India to resign the service, subject to His Majesty's approval; with effect from the 11th October 1912.

## RETIREMENTS.

## INDIAN ARMY.

No. 987.—Colonel Charles Henry Westmorland, C.B., has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval; with effect from the 21st September 1912.

No. 988.—Lieutenant-Colonel William Frederic Shakespear, 6th King Edward's Own Cavalry, is permitted to retire from the service, subject to His Majesty's approval; with effect from the 16th November 1912.

## VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Assam Valley Light Horse.*

No. 989.—Lieutenant John Mucklow to be Captain, *vice* W. H. B. Lawes, V.D., promoted. Dated the 27th December 1911.

Lieutenant Osborne Alan Abbott to be Captain, *vice* C. S. Bivar, V.D., transferred to the Supernumerary List. Dated the 5th January 1912.

Lieutenant William Hutchison to be Captain, *vice* C. W. Simkins, promoted. Dated the 17th March 1912.

Second Lieutenant Walter Newnham Davis to be Lieutenant, *vice* J. Mucklow, promoted. Dated the 27th December 1911.

Second Lieutenant Francis William Gore to be Lieutenant, *vice* O. A. Abbott, promoted. Dated the 5th January 1912.

Second Lieutenant Charles Wilfrid Allen to be Lieutenant, *vice* W. Hutchison, promoted. Dated the 17th March 1912.

William Ross Remfry Alexander to be Second Lieutenant, *vice* W. N. Davis, promoted. Dated the 27th December 1911.

John Everard Newbery to be Second Lieutenant, *vice* F. W. Gore, promoted. Dated the 5th January 1912.

Frederick Barlow Hannen to be Second Lieutenant, *vice* C. W. Allen, promoted. Dated the 17th March 1912.

*Chota Nagpur Light Horse.*

No. 990.—Lieutenant-Colonel Henry James McIntosh resigns his commission. Dated the 24th August 1912.

Major Edward Albert Gait, C.S.I., C.I.E., Supernumerary List, to be Commandant with the rank of Lieutenant-Colonel, *vice* H. J. McIntosh, resigned. Dated the 24th August 1912.

*Nagpur Volunteer Rifles.*

No. 991.—The Hon'ble Sir Reginald Henry Craddock, K.C.S.I., resigns his appointment as Honorary Colonel. Dated the 2nd August 1912.

The Hon'ble Sir Benjamin Robertson, K.C.S.I., C.I.E., Chief Commissioner, Central Provinces, to be Honorary Colonel, *vice* the Hon'ble Sir Reginald Henry Craddock, K.C.S.I., resigned. Dated the 3rd August 1912.

*Burma Railways Volunteer Corps.*

No. 992.—Lieutenant Edwin Samuel Overton James to be Captain, *vice* C. P. Colvin, transferred to the Supernumerary List. Dated the 9th August 1912.

Second Lieutenant Robin Turenne Power to be Lieutenant, *vice* E. S. O. James, promoted. Dated the 9th August 1912.

*Malabar Volunteer Rifles.*

No. 993.—William Charles Raitt to be Second Lieutenant, *vice* J. B. Stiven, promoted. Dated the 1st August 1912.

B. HOLLOWAY, *Colonel*,  
Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

NOTIFICATION.

*Simla, the 11th October 1912.*

Under Clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that reports of the deaths of the undermentioned Commissioned Officers on the dates specified, were received in the Army Department between the 2nd and 8th October 1912:—

Corps.	Rank and name.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
31st Duke of Connaught's Own Lancers.	Colonel William Stratford Mardall.	5th October 1912	Kohat	...	Commandant, 31st Duke of Connaught's Own Lancers.
16th Cavalry ...	Captain William Neville Ryves.	27th September 1912.	England	...	...

*Statement of Deposits on account of Estates between the 4th September and 8th October 1912.*

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Date to which claims will be received.
James William Goff.*	Sub-Conductor.	Ordnance Department.	5th April 1912.	Intestate	Rs. a. p. 514 12 10	10th December 1912.

\*Next-of-kin—father.—Samuel Goff, Esq.

Address.—14, Slaney Place, Enniscorthy, Co. Wexford, Ireland.

B. HOLLOWAY, *Colonel*,  
Offg. Secretary to the Government of India.

## MARINE DEPARTMENT.

*Simla, the 11th October 1912.*

## APPOINTMENTS.

**No. 60.**—Chief Engineer E. J. Ellery, Royal Indian Marine, 1st Engineer and Shipwright Surveyor under the Government of Bombay, is granted an extension in that appointment up to the 26th September 1912.

**No. 61.**—The services of Chief Engineer F. Olford, Royal Indian Marine, are placed at the disposal of the Government of Bombay for employment as 1st Engineer and Shipwright Surveyor, *vice* Chief Engineer E. J. Ellery, Royal Indian Marine; with effect from the 27th September 1912.

## LEAVE.

**No. 62.**—Engineer F. T. Frazer, Royal Indian Marine, has been granted by the Most Hon'ble the Secretary of State for India an extension of leave for six months on medical certificate.

B. HOLLOWAY, *Colonel*,  
*Offg. Secretary to the Government of India.*

## RAILWAY DEPARTMENT.

## (RAILWAY BOARD.)

## NOTIFICATIONS.

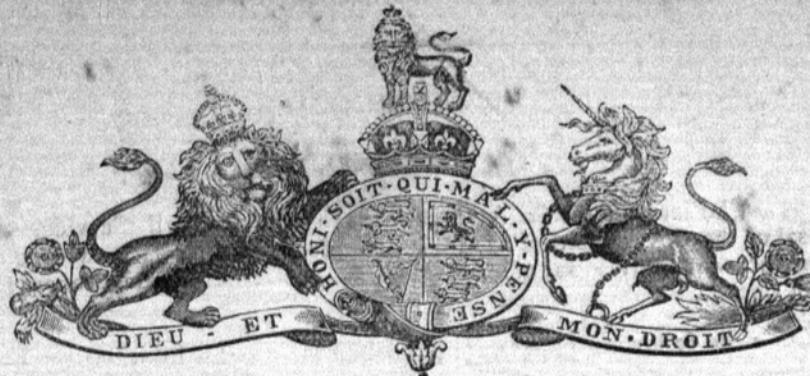
*Simla, the 9th October, 1912.*

**No. 188.**—With reference to Railway Board's Notification No. 85, dated the 20th June 1912, Major W. D. Waghorn, R.E., Officiating Manager, North-Western Railway, is on relief by the Hon'ble Sir H. P. Burt, K.C.I.E., placed on special duty in his substantive capacity, with effect from the 22nd September 1912.

*The 10th October, 1912.*

**No. 189.**—Mr. S. C. G. Wood, whose services are lent to the Bombay, Baroda and Central India Railway Company held officiating rank as a Traffic Superintendent (Supernumerary) with temporary rank in class I of the Superior Revenue Establishment of State Railways from the 16th April 1908 to the 26th April 1909 inclusive.

R. C. F. VOLKERS,  
*Secretary, Railway Board.*



22 OCT. 12.  
P.E.C.

# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 42.}

SIMLA, SATURDAY, OCTOBER 19, 1912.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## CONTENTS.

PAGES.	PAGES.
<b>PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations . . . . .</b>	<b>1143—1158</b>
<b>PART II.—Notifications by Comptroller General, Department of Commerce and Industry, Paper Currency Department, Bank of Bengal, Agent to the Governor General and Chief Commissioner in General and Chief Commissioner in Baluchistan, Agent to the Governor General, North-West Frontier Province, Administrator General of Bengal, High Court, Survey of India Department, Indian Museum, State Railways, Calcutta University, Post Office, Telegraph Department, Official Advertisements . . . . .</b>	<b>1627—1650</b>
<b>PART III.—Advertisements and notices by Private Individuals and Corporations . . . . .</b>	<b>83</b>
<b>SUPPLEMENT NO. 42—</b>	
Rainfall Summary for the seven days ending at 8 hrs., Thursday, the 17th October 1912, based on the Indian Daily Weather Reports of the period. 1985—1987	
Season and Crop Prospects for the week ending Saturday, the 12th October 1912 . . . . . 1988—1991	
Regulations for the selection and training of probationers for the Indian Forest Service . . . . . 1992—2002	
Statement of plague seizures and deaths reported in India during the week ending the 12th October 1912 . . . . . 2003—2010	
Annual Report on the Post Office of India for the year 1911-12 . . . . . 2011—2050	
Statement of Approximate Gross Earnings of Indian Railways . . . . . 2051—2052	

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

#### NOTIFICATIONS.

#### DELHI.

*Simla, the 14th October, 1912.*

**No. 1182.—**The services of the undermentioned officers are placed at the disposal of the Chief Commissioner of Delhi with effect from the dates mentioned:—

Mr. H. A. F. Metcalfe, I.C.S., Assistant Commissioner, from the date he assumes charge of his duties at Delhi;

Lala Chattar Bihari Narayan, Munsiff, from the 1st October 1912;

Munshi Abdus-Samad, Munsiff, Registrar, Small Cause Court, from the 1st October 1912.

## ESTABLISHMENTS.

*The 16th October, 1912.*

**No. 1965.**—The services of Mr. A. C. Duff, of the Indian Civil Service, are replaced at the disposal of the Government of Madras with effect from the date on which he may be relieved of his present duties as officiating First Assistant Commissioner and District Magistrate of Coorg.

**No. 1964.**—The following papers are published for general information :—

India Office, London,  
27th September 1912.

Public.

No. 188.

To His Excellency the Right Honourable the Governor General of India in Council.

My LORD,

I have to inform you that His Majesty has been pleased to direct that a Royal Commission be appointed to examine and report upon the following matters in connection with the Indian Civil Service, and other civil services, Imperial and Provincial :—

- (1) The methods of recruitment and the systems of training and probation ;
- (2) The conditions of service, salary, leave, and pension ;
- (3) Such limitations as still exist in the employment of non-Europeans and the working of the existing system of division of services into Imperial and Provincial ;

and generally to consider the requirements of the Public Service, and to recommend such changes as may seem expedient.

2. The following are appointed the Members of the Royal Commission :—

*Chairman.*

The Right Hon'ble Lord Islington, K.C.M.G.

*Members.*

The Earl of Ronaldshay, M.P.

Sir Murray Hammick, K.C.S.I., C.I.E.

Sir Theodore Morison, K.C.I.E.

Sir Valentine Chirol, Kt.

Mahadev Bhaskar Chaubal, Esq., C.S.I.

Abdur Rahim, Esq., Judge of the Madras High Court.

Gopal Krishna Gokhale, Esq., C.I.E.

Walter Culley Madge, Esq., C.I.E.

Frank George Sly, Esq., C.S.I.

Herbert Albert Laurens Fisher, Esq.

James Ramsay Macdonald, Esq., M.P.

3. I transmit, for your information, copies of the Royal Warrant of Appointment.

I have the honour to be,

MY LORD,

Your Lordship's most obedient humble Servant,

(Signed) CREWE.

Whitehall, September 5, 1912.

The KING has been pleased to issue a Commission under His Majesty's Royal Sign Manual to the following effect :—

GEORGE R. I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to

Our Right Trusty and Well-beloved Counsellor John Poynder, Baron Islington, Knight Commander of Our Most Distinguished Order of St. Michael and St. George; and

Our Trusty and Well beloved :—

Lawrence John Lumley Dundas, Esquire (commonly called Earl of Ronaldshay);

Sir Murray Hammick, Knight Commander of Our Most Exalted Order of the Star of India, Companion of Our Most Eminent Order of the Indian Empire;

Sir Theodore Morison, Knight Commander of Our Most Eminent Order of the Indian Empire, Member of the Council of India;

Sir Valentine Chirol, Knight.

Mahadev Bhaskar Chaubal, Esquire, Companion of Our Most Exalted Order of the Star of India, Member of the Executive Council of the Governor of Bombay;

Abdur Rahim, Esquire, Judge of the Madras High Court;

Gopal Krishna Gokhale, Esquire, Companion of Our Most Eminent Order of the Indian Empire, Additional Member of the Council of the Governor-General of India;

Walter Culley Madge, Esquire, Companion of Our Most Eminent Order of the Indian Empire, Additional Member of the Council of the Governor-General of India.

Frank George Sly, Esquire, Companion of Our Most Exalted Order of the Star of India;

Herbert Albert Laurens Fisher, Esquire, Fellow and Tutor of New College, Oxford; and

James Ramsay Macdonald, Esquire.

Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to examine and report upon the following matters in connection with the Indian Civil Service, and other civil services, Imperial and Provincial :—

- (1) The methods of recruitment and the systems of training and probation;
- (2) The conditions of service, salary, leave and pension;
- (3) Such limitations as still exist in the employment of non-Europeans and the working of the existing system of division of services into Imperial and Provincial;

and generally to consider the requirements of the Public Service, and to recommend such changes as may seem expedient :

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint

you, the said John Poynder, Baron Islington, (Chairman) ; Lawrence John Lumley Dundas (commonly called Earl of Ronaldshay) ; Sir Murray Hampick ; Sir Theodore Morison ; Sir Valentine Chirol ; Mahadev Bhaskar Chaubal ; Abdur Rahim ; Gopal Krishna Gokhale ; Walter Culley Madge ; Frank George Sly ; Herbert Albert Laurens Fisher and James Ramsay Macdonald to be Our Commissioners for the purposes of the said enquiry.

And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power, at any place in Our said United Kingdom of Great Britain and Ireland, or in India, to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission ; and also, whether in Our said United Kingdom, or in India, to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these Presents authorize and empower you, or any three or more of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these Presents will and ordain that this, Our Commission, shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time, if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *Balmoral*, the thirty-first day of *August*, one thousand nine hundred and twelve, in the third year of Our Reign.

By His Majesty's Command,

*R. McKenna.*

*The 17th October, 1912.*

**No. 1997.**—Rai Sahib Abinas Chandra Koar, a Superintendent in the Home Department, is granted privilege leave for three months with effect from the 22nd October 1912.

**No. 1999.**—In consequence of the grant of privilege leave for three months to Rai Sahib Abinas Chandra Koar, a Superintendent in the Home Department, with effect from the 22nd October 1912, the following promotions, with effect from the same date, are notified :—

Mr. H. C. Marsden to officiate as Superintendent, 2nd grade.

Mr. Prasanna Kumar Basu to officiate as Superintendent, 3rd grade.

**No. 2002.**—The services of Mr. L. T. Harris, of the Indian Civil Service (Madras establishment), Commissioner of Coorg, are replaced at the disposal of the Government of Madras, with effect from the 15th November 1912.

**No. 2003.**—Mr. F. Hannington, of the Indian Civil Service (Madras establishment), is appointed to be Commissioner of Coorg, with effect from the 15th November 1912.

*The 18th October, 1912.*

**No. 2010.**—The Honourable Sir Guy Fleetwood Wilson, G.C.I.E., K.C.B., K.C.M.G., an Ordinary Member of the Council of the Governor General of India, reported his return to India on the 18th October 1912, from the leave of absence granted to him in the Home Department notification no. 914, dated the 3rd May 1912, and resumed charge of his office on the same date.

## PUBLIC.

*The 16th October, 1912.*

**No. 2320.**—It is hereby notified for general information that the Governor-General in Council has been pleased to direct that the Chief Commissioner of Delhi shall take rank, when within his own jurisdiction, in Article 24 of the Warrant of Precedence for India, published with Home Department notification no. 328, dated 10th February 1899, and in Article 38 of the Warrant, when without his jurisdiction.

**No. 2322.**—The Governor-General in Council directs that the following addition shall be made in the Schedule published with the Home Department notification no. 3580, dated the 6th September 1911:—

*Item III.*—In the entry under serial number 2 “the Chief Commissioner of Delhi” shall be added.

H. WHEELER,

*Secretary to the Government of India.*

## NOTIFICATIONS BY THE CHIEF COMMISSIONER OF DELHI.

*Dated the 11th October, 1912.*

**No. 59.**—The Chief Commissioner is pleased to appoint Munshi Arshad Ali to be a Naib-Tahsildar with effect from the 1st October 1912, in the District of Delhi.

**No. 61.**—In exercise of the powers conferred by sections 12 and 39 of the Code of Criminal Procedure, 1898, the Honourable the Chief Commissioner is pleased to confer, and hereby confers, upon every person for the time being holding the office of Naib-Tahsildar or officiating Naib-Tahsildar the powers of a Magistrate of the 3rd Class: such powers to be exercised within the limits of the Delhi District.

**No. 62.**—In exercise of the powers conferred by sections 12 and 39 of the Code of Criminal Procedure, 1898, the Honourable the Chief Commissioner is pleased to confer, and hereby confers, upon every person permanently or temporarily holding the office of Tahsildar and not invested with any higher powers under that Code the powers of a Magistrate of the 2nd Class: such powers to be exercised within the limits of the Delhi District.

**No. 63.**—Maulvi Abdul Hamid Khan, Khan Bahadur, an Honorary Magistrate of the 1st Class, is invested with the power to try summarily in the Delhi District the offences specified in section 260 of the Code of Criminal Procedure, 1898.

**No. 64.**—The undermentioned Honorary Magistrate of the 1st Class is invested with powers under section 565 of the Code of Criminal Procedure, 1898, within the limits of the district mentioned against his name:—

Maulvi Abdul Hamid Khan, Khan Bahadur, Delhi.

*Dated the 12th October 1912.*

**No. 65.**—It is hereby notified that the holidays to be observed in public offices under the Chief Commissioner, Delhi, during the year 1913 which are specified in the schedule hereto annexed, are public holidays within the meaning of section 25 of the Negotiable Instruments Act, XXVI of 1881. These holidays should be given to all Government servants, subject to the single condition that it should be open to the head of an office to stop a holiday notified under the Act in the case of any individual guilty of idleness or inattention to duty, unless the day in question is deemed specially sacred by the members of the religion which the offender professes.

2. Local holidays for great festivals or fairs peculiar to particular places may be granted at the discretion of heads of offices, provided always that there are no arrears of work. The maximum number of such holidays that may be given by the district officer is seven. This number should not be exceeded, and the district officer should report to the Chief Commissioner before the beginning of the year the holidays proposed for his district, and should fix them after the sanction of the Chief Commissioner to the proposals has been obtained. Heads of offices may also, subject to the condition that there are no arrears of work, permit the last Saturday of every month to be observed as a holiday in the English and Vernacular Offices. In such cases all establishments should be allowed, subject to the condition laid down in the case of public holidays, under the Negotiable Instruments Act, to take full advantage of the holiday.

3. This notification does not apply to holidays to be observed in Civil Courts.

## SCHEDULE.

*List of Holidays for Public Offices during the year 1913.*

Name of Holidays.	Date on which they fall.	Day or days of the week.	No. of days.	REMARKS.
<i>General Holidays.</i>				
All Sundays ... ...	... ...	... ...	52	
Proclamation day ... ...	1st January ...	Wednesday ...	1	
*King Emperor's Birthday ... ...	... ...	... ...	1	
<i>Christian Holidays.</i>				
Easter Holidays ... ...	21st, 22nd and 24th March.	Friday, Saturday and Monday.	3	
Christmas Vacation ...	24th to 27th* and 31st December.	Wednesday to Saturday and Wednesday.	5	*In addition to the holidays specified in this schedule all Government offices will be closed on Monday the 29th and Tuesday the 30th December 1913.
<i>Hindu Holidays.</i>				
Basant Panchami ... ..	11th February ...	Tuesday ..	1	
Sheoratri ... ...	6th March ...	Thursday ...	1	
Baisakhi ... ...	12th April ...	Saturday ...	1	
Solono ... ...	16th August ...	" ...	1	
Janam Ashtmi ... ...	25th August ...	Monday ...	1	
Dussehra ... ...	6th to 9th October	Monday to Thursday.	4	
Dewali ... ...	29th October ...	Wednesday ...	1	
<i>Muhammadan Holidays.</i>				
Barawafat ... ...	19th February ...	Wednesday ...	1	
Shabrat ... ...	19th July ...	Saturday ...	1	
'Id-ul-fitr ... ...	3rd September ...	Monday ...	1	Subject to the appearance of the moon.
'Id-ul-Zuha ... ...	10th November ...	Monday ...	1	
Muharram ... ...	8th and 9th December.	Monday and Tuesday.	2	

\*The day fixed for the celebration of the King Emperor's Birthday will be notified separately hereafter.

*The 12th October, 1912.*

**No. 66.**—In accordance with the provisions of Section 242, Sub-section (1), clause (e), of the Punjab Municipal Act, III of 1911, the Chief Commissioner is pleased to appoint the Tahsildar, Delhi, Chairman of the Notified Area Mahrauli, in the Delhi Province, *vice* Tahsildar Ballabgarh, vacated.

W. M. HAILEY,

*Chief Commissioner, Delhi Province.*

## DEPARTMENT OF EDUCATION.

### NOTIFICATION.

### EDUCATION.

*Simla, the 17th October, 1912.*

**No. 2340.**—The services of Lala Bhagwati Sahai, officiating District Inspector of Schools, Delhi, are placed at the disposal of the Chief Commissioner of Delhi, with effect from the 1st October 1912, until further orders.

H. SHARP,

*Joint Secretary to the Government of India.*

## DEPARTMENT OF REVENUE AND AGRICULTURE.

### NOTIFICATION.

### FORESTS.

*Simla, the 17th October, 1912.*

**No. 852-F.-149-9.**—Mr. Ghanshyam Prasad, Extra-Assistant Conservator of Forests, Central Provinces, is appointed to be an Assistant Instructor on the staff of the Forest College, Dehra Dun, with effect from the forenoon of the 1st October 1912, in place of Rai Keshavanand, Bahadur.

From the same date Rai Keshavanand, Bahadur, Extra-Deputy Conservator of Forests, reverted to his substantive appointment on the United Provinces cadre.

E. D. MACLAGAN,

*Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

### NOTIFICATION.

*Simla, the 14th October, 1912.*

**No. 2142-G.**—The Governor-General in Council is pleased to recognise the appointment of Mr. C. Hummel as Acting Consul for Cuba at Bombay, during the absence of Mr. J. Zuberbuhler.

*The 16th October, 1912.*

**No. 2850-Est.-A.**—Mr. J. H. H. Bill of the Political Department, is posted as Assistant Commissioner and Cominandant, Border Military Police, Bannu, with effect from the 2nd October, 1912.

**No. 2851-Est.-A.**—Captain D. G. Wilson, of the Political Department, is posted, on return from leave, as City Magistrate, Peshawar, with effect from the 3rd October, 1912.

**No. 2852-Est.-A.**—Captain N. E. Reilly, of the Political Department, is posted as Supernumerary Assistant Commissioner, Peshawar, with effect from the 3rd October, 1912.

**No. 2856-Est.-A.**—Captain T. H. Keyes of the Political Department is placed on special duty under the Government of India in the Foreign Department, with effect from the 1st October, 1912.

**No. 2859-Est.-A.**—Mr. P. P. Braithwaite, Indian Educational Service, Inspector of Schools, Madras, is appointed to be an Assistant Master in the Mayo College, Ajmer, with effect from the 2nd October, 1912.

*The 17th October, 1912.*

**No. 2869-Est.-A.**—Lieutenant-Colonel P. B. Haig, Indian Medical Service (Bengal), an Agency Surgeon of the 2nd Class, is granted privilege leave for one month, with effect from the 26th September, 1912.

**No. 2870-Est.-A.**—Captain R. I. Binning, Indian Medical Service, Medical Officer, 99th Infantry, is appointed to hold charge of the current duties of the office of Agency Surgeon in Bhopal, in addition to his own duties, with effect from the 26th September, 1912, and until further orders.

**No. 2875-Est.-B.**—Captain A. N. Kerr, 38th Dogras, is appointed Assistant Inspecting Officer, Kashmir Imperial Service Infantry, with effect from the 13th September, 1912.

A. H. McMAHON,  
*Secretary to the Government of India.*

## FINANCE DEPARTMENT.

### NOTIFICATIONS.

#### ACCOUNTS AND FINANCE.

##### RULES.

*Simla, the 15th October, 1912.*

**No. 657-A.**—In modification of Notification No. 1153-A., dated the 24th February 1911, and in pursuance of Order XXI, rule 48, sub-rule (1), of the rules in the First Schedule to the Code of Civil Procedure, 1908, the Governor General in Council is pleased to direct that notices of orders attaching the salary or allowance of persons employed in the offices of Government Examiners of Railway Accounts, shall be sent to the officer specified in each case in Column 2 of the Schedule hereto annexed.

### SCHEDULE.

#### *Part I.—Gazetted Officers.*

Department or Office in which judgment-debtor is employed.	Officer to whom notice should be sent.
Office of the Government Examiner of Railway Accounts, Madras.	
Office of the Government Examiner of Railway Accounts, Bombay.	
Office of the Government Examiner of Railway Accounts, Calcutta.	
Office of the Government Examiner of Railway Accounts, Rohilkund and Kumaon Railway Company.	
Office of the Government Examiner of Railway Accounts, Bengal and North-Western Railway.	Examiner of Accounts, Oudh and Rohilkhand Railway.
Office of the Government Examiner of Railway Accounts, Assam Bengal Railway.	
Office of the Government Examiner of Railway Accounts, Burma Railways.	

*Part II.—Non-Gazetted Officers.*

Department or Office in which judgment-debtor is employed.	Officer to whom notice should be sent.
I	2
Office of the Government Examiner of Railway Accounts, Madras.	
Office of the Government Examiner of Railway Accounts, Bombay.	
Office of the Government Examiner of Railway Accounts, Calcutta.	
Office of the Government Examiner of Railway Accounts, Rohilkhand and Kumaon Railway Company.	Examiner of Accounts, Oudh and Rohilkhand Railway.
Office of the Government Examiner of Railway Accounts, Bengal and North-Western Railway.	
Office of the Government Examiner of Railway Accounts, Assam Bengal Railway.	
Office of the Government Examiner of Railway Accounts, Burma Railways.	

## LEAVE AND APPOINTMENTS.

*The 15th October, 1912.*

No. 807-F. E.—Mr. C. F. Cowie, Assistant Accountant General, In charge, Paper Currency, Bombay, has been granted privilege leave for 3 months and, in continuation furlough for nine months, with effect from the 1st October 1912.

Mr. F. A. C. Rebello has been posted as Assistant Accountant General, Paper Currency, Bombay, with effect from the 1st October 1912.

Mr. F. L. Silva, a Superintendent in the office of the Accountant General, Bombay, has been appointed to officiate as Chief Superintendent, Class II, in that office, with effect from the 1st October 1912, and until further orders.

*The 17th October, 1912.*

**No. 814-F. E.**—Mr. W. P. Avery, Assistant Accountant General, Railways, has been promoted to the General List of the Indian Finance Department with effect from the 1st July 1912.

No. 815-F. E.—The following promotion in the Indian Finance Department is notified:—

ned :— Mr. G. W. V. de Rhe Philipe to act in Class I of the Public Works List, with effect from the 5th September 1912.

H. F. HOWARD.

Offg. Secretary to the Government of India.

FINANCE DEPARTMENT (MILITARY FINANCE).

## NOTIFICATIONS.

## LEAVE AND APPOINTMENTS.

Simla, the 17th October, 1912.

No. 1270-*Accts.*—The following reversion of an officiating Deputy Examiner, 2nd grade, Military Accounts Department, is made, with effect from the date specified:—

From the 29th September 1912, consequent on the return of Captain F. S. Graham, from privilege leave.

Rai Saheb Bhut Nath Chatterjee, Officiating Deputy Examiner, 2nd grade, to revert to his own grade.

**No. 1271-Accts.**—Mr. H. F. Playne, B.A., Military Accountant, 2nd class, Military Accounts Department, is granted privilege leave for 3 months with effect from the 30th September 1912.

**No. 1272-Accts.**—The following officiating appointment of a Deputy Examiner, 2nd grade, Military Accounts Department, is made, with effect from the date specified:—

*From the 30th September 1912, vice Mr. H. F. Playne, granted privilege leave.*

Rai Saheb Bhut Nath Chatterjee to officiate as Deputy Examiner, 2nd grade.

**No. 1273.-Accts.**—The following reversions of Deputy Examiners, 2nd grade, Military Accounts Department, are made, with effect from the date specified:—

*I. From the 2nd October 1912, the date from which the special duty on which Mr. A. Pereyra, B.A., was employed in the office of the Director General of Ordnance in India, Simla, terminated.*

Mr. A. Pereyra, B.A., temporary (Supernumerary) Deputy Examiner, 2nd grade, to revert to officiating Deputy Examiner, 2nd grade.

*II. From the 5th October 1912, the date on which Mr. A. Pereyra, B.A., rejoined his appointment in the office of the Controller of Military Supply Accounts.*

Mr. V. R. Kalyanasundra Mudelliar, officiating Deputy Examiner, 2nd grade, to revert to his own grade.

**No. 1274-Accts.**—The following officiating appointments and reversions of Deputy Examiners of the Military Accounts Department, are made, with effect from the date specified:—

*I. From the 3rd October 1912, the date of Mr. J. Gainsford's departure on combined leave.*

Mr. A. E. O'Hara, Deputy Examiner, 2nd grade, to officiate as Deputy Examiner, 1st grade.

Mr. E. F. Gonsalves to officiate as Deputy Examiner, 2nd grade.

*II. From the 5th October 1912, the date of Mr. J. Windsor's return from privilege leave.*

Mr. A. E. O'Hara, officiating Deputy Examiner, 1st grade, to revert to Deputy Examiner, 2nd grade.

Mr. H. Windsor, officiating Deputy Examiner, 2nd grade, to revert to his own grade.

W. H. MICHAEL,

Offg. Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE AND INDUSTRY.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

#### POST OFFICE.

*Simla, the 19th October, 1912.*

**No. 7719-135.**—The following sub. *pro tem* appointments in the grades of Postmasters-General are made for the period noted against each, *vice* the Hon'ble Mr. W. Maxwell, C.I.E., M.V.O., I.C.S., Postmaster-General in the special 1st grade, on special duty:—

Mr. C. H. Harrison, I.C.S., Postmaster-General, 1st grade, to be sub. *pro tem* in the special 1st grade, from the 29th March 1912 and until further orders;

Mr. H. N. Hutchinson, I.C.S., Postmaster-General, 2nd grade, to be sub. *pro tem* in the 1st grade, from the 29th March 1912 to the 27th June 1912, both days inclusive;

Mr. H. A. Sams, I.C.S., Postmaster-General, 2nd grade, to be sub. *pro tem* in the 1st grade, from the 28th June 1912 and until further orders;

Mr. H. F. P. Tulloch, Presidency Postmaster, Bombay and Officiating Postmaster-General, 2nd grade, to be sub. *pro tem* in that grade, from the 29th March 1912 and until further orders.

This supersedes all the previous Notifications of the Department of Commerce and Industry, sanctioning the officiating arrangements *vice* the Hon'ble Mr. Maxwell.

#### POST OFFICE.

*The 19th October, 1912.*

No. 7792-29.—The following Post Office holidays, *vis.* End of Buddhist Lent and Tazaundaing will be observed in the Burma postal circle on the 25th October and 23rd November 1912 respectively, instead of on the dates mentioned in this Department Notification No. 1074-29, dated the 3rd February 1912.

#### TELEGRAPH ESTABLISHMENT.

*The 19th October, 1912.*

No. 7722-193.—Mr. V. H. Egan, Assistant Superintendent of Telegraphs, Imperial Service, Indian Telegraph Department, is permitted to resign the service of Government with effect from the 14th November 1912.

No. 7835-206.—Mr. J. M. Coode, Superintending Engineer of Telegraphs, Bombay and Central Circles, is granted privilege leave for three months combined with furlough out of India for nine months with effect from the 2nd November 1912 or such subsequent date as he may avail himself of it.

R. E. ENTHOVEN,  
*Secretary to the Government of India.*

#### ARMY DEPARTMENT.

*Simla, the 18th October 1912.*

##### APPOINTMENTS.

No. 994.—The services of Captain H. O. Carroll, Supply and Transport Corps, are placed at the disposal of the Home Department for a period of four years for employment as Executive Commissariat Officer at Port Blair; with effect from the 1st November 1912, or such date as he relieves Captain S. L. Wace.

##### ARMY DEPARTMENT.

No. 995.—With reference to Army Department Notification No. 566, dated the 14th June 1912, Major R. B. Graham, 33rd Punjabis, officiating Assistant Secretary to the Government of India, Army Department, is confirmed in that appointment, with effect from the 1st November 1912, *vice* Brevet Lieutenant-Colonel H. F. Cooke, 32nd Sikh Pioneers, whose tenure will expire on that date.

##### CANTONMENT MAGISTRATES' DEPARTMENT.

No. 996.—The services of Lieutenant-Colonel C. W. Field, Indian Army, are placed at the disposal of the Government of the United Provinces for employment as a Cantonment Magistrate.

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## SUB-ASSISTANT SURGEON BRANCH.

## Madras Establishment.

No. 997.—The undermentioned Native Military Pupils, having passed their final examination, are admitted into the service as 3rd Class Sub-Assistant Surgeons, with effect from the 22nd July 1912:—

No. 1441, Muhammad Abdul Rahim.

No. 1442, M. Venkatasami Nayudu.

## COMMANDS.

No. 998.—Lieutenant-General Sir J. E. Nixon, K.C.B., Indian Army, to be an Army Commander, vice General Sir E. G. Barrow, G.C.B., A.D.C., Indian Army, vacated. Dated the 11th October 1912.

## LONDON GAZETTE.

No. 999.—The following extracts are published for general information:—

"London Gazette", dated the 24th September 1912, pages 7022 and 7023.

\* \* \* \* \*

War Office,

24th September 1912.

\* \* \* \* \*

## MEMORANDA.

The undermentioned Colonels are granted the honorary rank of Brigadier-General. Dated 25th September 1912:—

Charles H. Westmorland, C.B., retired list, Indian Army.

\* \* \* \* \*

"London Gazette," dated the 27th September 1912, pages 7110 and 7111.

\* \* \* \* \*

War Office,

27th September 1912.

\* \* \* \* \*

## MEMORANDA.

\* \* \* \* \*

Lieutenant Lewis M. Heath, 19th Punjabis, Indian Army, is granted the local rank of Captain while employed with the King's African Rifles. Dated 28th September 1912.

\* \* \* \* \*

## PROMOTIONS.

## INDIAN ARMY.

No. 1000.—The following promotion is made, subject to His Majesty's approval:—

Major to be Lieutenant-Colonel.

13th October 1912.

Henry Barnes Peacock, Supernumerary List.

No. 1001.—In Army Department Notification No. 977, dated the 11th October 1912, for "William Archibald Small Walker", read "William Archibald Smail Walker".

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## ASSISTANT SURGEON BRANCH.

## Bombay Establishment.

No. 1002.—The undermentioned 3rd Class Assistant Surgeons, having completed seven years' service in that class and passed the required departmental examination, to be 2nd Class Assistant Surgeons, with effect from the 1st October 1912 :—

William Ernest Moody.

John George Williams.

## SUB-ASSISTANT SURGEON BRANCH.

## Bengal Establishment.

No. 1003.—The undermentioned 3rd Class Sub-Assistant Surgeon, having completed five years' service in that class and passed the required departmental examination, to be 2nd Class Sub-Assistant Surgeon, with effect from the 1st October 1912 :—

No. 1236, Shamsher Jang (E).

(E) Passed in English.

## MILITARY WORKS SERVICES AND PUBLIC WORKS DEPARTMENT, INDIA.

No. 1004.—Assistant Commissary and Honorary Lieutenant Cecil Collins, Sub-Engineer, 1st Grade, Military Works Services, to be Assistant Engineer, 2nd Grade ; with effect from the 2nd May 1912.

No. 1005.—Assistant Commissary and Honorary Lieutenant William Thomas Gell, Sub-Engineer, 1st Grade, Military Works Services, to be Assistant Engineer, 2nd Grade ; with effect from the 12th May 1912.

## MILITARY WORKS SERVICES.

No. 1006.—*Rai Sahib* Ganesh Dass, Sub-Engineer, 1st Grade, is promoted to the rank of Honorary Assistant Engineer, 2nd Grade ; with effect from the 28th June 1912.

## NATIVE ARMY.

## APPOINTMENTS AND PROMOTIONS.

No. 1007.—The honorary rank of Jemadar is conferred on pensioned Drum-Major Ramkhelawan, formerly of the 1st Brahmans. Dated the 29th September 1912.

No. 1008.—The following promotions are made :—

## 22nd Punjabis.

Jemadar Fateh Muhammad to be Subadar and Havildar Jehan Dad Khan to be Jemadar, *vice* Nathe Khan, transferred to the pension establishment ; with effect from the 16th September 1912.

## 90th Punjabis.

Jemadar Samand Singh to be Subadar and Havildar Narayan Singh to be Jemadar, *vice* Sarmukh Singh, transferred to the pension establishment ; with effect from the 1st October 1912.

Colour-Havildar Mula Singh to be Jemadar, *vice* Jiwan Singh, transferred to the pension establishment ; with effect from the 1st October 1912.

## 92nd Punjabis.

Jemadar Fateh Singh to be Subadar, *vice* Jiwan Singh, transferred to the pension establishment ; with effect from the 17th September 1912.

## 95th Russell's Infantry.

Jemadar Nohar Singh to be Subadar and Havildar Bal-Mukand Singh to be Jemadar, *vice* Baijnath Singh, transferred to the pension establishment ; with effect from the 21st August 1912.

*1st Battalion, 1st King George's Own Gurkha Rifles (The Malaun Regiment).*

Jemadar Jitbahadur Thapa to be Subadar and Havildar Nandu Gurung to be Jemadar, *vice* Kirpasur Rana, transferred to the pension establishment; with effect from the 1st October 1912.

## RETIREMENTS.

## INDIAN ARMY.

No. 1009.—Major Edmund Saulez, 108th Infantry, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval; with effect from the 4th October 1912.

## INDIAN MEDICAL SERVICE.

No. 1010.—Lieutenant-Colonel John Carrapet Sarkies, M.B., Indian Medical Service, Bombay, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval; with effect from the 6th December 1912.

## VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Surma Valley Light Horse.*

No. 1011.—James Purves to be Veterinary Lieutenant, to fill an existing vacancy. Dated the 12th July 1912.

*Bengal and North-Western Railway Volunteer Rifles.*

No. 1012.—Captain William Miller to be Major, *vice* J. Walker, v.D., promoted. Dated the 1st April 1912.

Lieutenant George Dickson Laurie to be Captain, *vice* W. Miller, promoted. Dated the 1st April 1912.

Second Lieutenant Arthur Wernicke Smart to be Lieutenant, *vice* G. D. Laurie, promoted. Dated the 1st April 1912.

Second Lieutenant Charles William Bruce to be Lieutenant, to fill an existing vacancy. Dated the 1st April 1912.

*Baluchistan Volunteer Rifles.*

No. 1013.—William George Nalder to be Second Lieutenant, to fill an existing vacancy. Dated the 4th September 1912.

William George Bone to be Second Lieutenant, to fill an existing vacancy. Dated the 4th September 1912.

B. HOLLOWAY, Colonel,

Offg. Secretary to the Government of India.

## RAILWAY DEPARTMENT.

## (RAILWAY BOARD.)

## NOTIFICATIONS.

Simla, the 16th October, 1912.

No. 190.—It is hereby notified for general information that the Railway Board have sanctioned a detailed survey being carried out by the agency of the Rohilkund and Kumaon Railway Administration for a line of railway on the metre gauge from Kashipur, a station on the Lalkua-Kashipur section of the Rohilkund and Kumaon Railway to near Kalagarh, a distance of about 27 miles.

This survey will be known as the Kashipur-Kalagarh Railway Survey.

No. 191.—Mr. E. B. Robey, Assistant Engineer, State Railways, is, on return from leave, posted to the North-Western Railway.

*The 17th October, 1912.*

No. 192.—The following is published for general information:—

No. 1988-R. T., dated the 10th October 1912.

RESOLUTION—By the Railway Board.

**Adoption on the Arrah-Sasaram Light, Bengal and North-Western, Buktiarpore-Bihar Light, Burma, Calcutta Port Commissioners, Dibru-Sadiya, Shahdara (Delhi)-Saharanpur Light and Tezapore-Balipara Light Railways, and on such portions of the Bengal Dooars, Bhavnagar, Bombay, Baroda and Central India, East Indian, His Highness the Nizam's Guaranteed State, Jodhpur-Bikaner, Madras and Southern Mahratta and South Indian Railway systems as are situate in British territory, of the General Rules for Railways under construction.**

**RESOLUTION.**—The Administrations of the several railways, not administered by Government, which are noted on the margin, have applied for the adoption, on such portion or portions of those railways as may be under construction, of the General Rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which were promulgated with Railway Board's Resolution No. 1216-R.T., dated the 6th July 1912, and published in the *Gazette of India* under their Notification No. 114 of the same date.

2. In exercise of the powers conferred by the notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board sanction, under Section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890), and in supersession of all previous orders on the subject, the adoption of the General Rules for working railways under construction cited in paragraph 1 above, on such portion or portions of each of the railways noted on the margin as may be under construction, and on such portions of the Bengal Dooars, Bhavnagar, Bombay, Baroda and Central India, East Indian, His Highness the Nizam's Guaranteed State, Jodhpur-Bikaner, Madras and Southern Mahratta and South Indian Railway systems as are situate in British territory, and may be under construction.

**ORDER.**—Ordered that this Resolution be published under a notification in Part I of the *Gazette of India* as required by section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890), and that the General Rules, which have already been published in the *Gazette of India*, be further notified to the railway servants concerned, and to the public by a copy thereof being kept open to inspection, free of charge, in the office of the Engineer-in-Chief in charge of the construction of the railway; also that a copy of this Resolution be communicated to the Local Governments and Administrations and to the officers noted on the margin for information and guidance, and to the Resident at Hyderabad, the Senior Government Inspectors of Railways, Circles No. 1 to 3 and 5 to 7, and the Secretary, Indian Railway Conference Association, for information.

The Government of Bengal, Public Works Department, Marine Branch.

The Governments of the United Provinces and Bihar and Orissa, Public Works Department.

The Hon'ble the Chief-Commissioner of Assam.

The Agents, Bengal and North-Western, Bombay, Baroda and Central India, Burma, East Indian, Madras and Southern Mahratta and South Indian Railways.

The Agent and Manager, His Highness the Nizam's Guaranteed State Railways.

The Manager and Engineer-in-Chief, Bengal Dooars Railway.

The Managers, Bhavnagar and Jodhpur-Bikaner Railways.

**No. 193.**—The undermentioned gentlemen, who have been appointed Assistant Engineers by His Majesty's Secretary of State for India, are posted as follows:—

Mr. Francis Vaughan Simpkinson	..	To the North-Western Railway.
Mr. Charles Oliver Calcott Reilly	..	
Mr. Bertram Lionel Harvey	..	To the Eastern Bengal Railway.
Mr. Earnest Carnegie Whelan	..	

**No. 194.**—Mr. John Haydon Cardew, M. Sc (McGill) is appointed, on probation, to the Superior Revenue Establishment of State Railways as an Electrical Engineer, with effect from the 1st October 1912, and posted to the Oudh and Rohilkhand Railway.

**No. 195.**—Mr. J. H. Lovell, Executive Engineer, is appointed to officiate as Junior Government Inspector of Railways, Circle No. 5, and Superintendent of Local Manufactures, Bombay, and, in addition, to hold charge of the office of the Senior Government Inspector of Railways, Circle No. 5, during the absence of Mr. V. T. Janson on privilege leave.

**No. 196.**—It is hereby notified for general information that the Railway Board have sanctioned a detailed survey being carried out by the agency of the Assam Bengal Railway administration for a line of railway on the metre gauge, from Bhairab Bazar to Netrakona with a branch from Iswarganj to Mymensingh, a distance of about 86 miles.

This survey will be known as the Bhairab Bazar Netrakona Mymensingh Railway Survey.

**No. 197.**—With reference to Railway Board's Notification No. 156, dated the 4th September 1912, Captain C. J. Clarke, R.E., Executive Engineer, was on relief by Mr. J. H. Heap of the Office of Junior Government Inspector of Railways, Circle No. 2, attached to that Circle as an additional officer from the 23rd to 30th September 1912 inclusive.

R. C. F. VOLKERS,

*Secretary, Railway Board.*



120.

# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 43.}

SIMLA, SATURDAY, OCTOBER 26, 1912.

~~Separate paging is given to this Part in order that it may be filed as a separate compilation.~~

## CONTENTS.

	PAGES.	PAGES.
PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations	1159—1174	SUPPLEMENT NO. 43— Rainfall Summary for the seven days ending at 8 hrs., Thursday, the 24th October 1912, based on the Indian Daily Weather Reports of the period . 2053—2055
PART II.—Notifications by Comptroller General, Department of Commerce and Industry, Paper Currency Department, Bank of Bengal, Agent to the Governor General and Chief Commissioner in Baluchistan, Agent to the Governor General, North-West Frontier Province, Administrator General of Bengal, High Court, Survey of India Department, Indian Museum, State Railways, Calcutta University, Post Office, Telegraph Department, Official Advertisements	1651—1678	Season and Crop Prospects for the week ending Saturday, the 19th October 1912 . . . . . 2056—2057 Statement showing the number of persons on relief works, etc., for the week ending 12th October 1912 . . . . . 2058 Statement of plague seizures and deaths reported in India during the week ending the 19th October 1912 . . . . . 2059—2060 Statement of Approximate Gross Earnings of Indian Railways . . . . . 2067—2069

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

## LEGISLATIVE DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 25th October, 1912.*

No. 53.—The Governor General is pleased to accept the resignation by the Hon'ble Mr. H. F. Howard of his office of Additional Member of the Legislative Council of the Governor General.

No. 54.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 and 25 Vict., c. 67), as modified by the Indian Councils Act, 1909 (9 Edw. 7, c. 4), and in pursuance of the provisions of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, the Governor General is pleased to nominate Mr. R. W. Gillan, C.S.I., being an official, to be an Additional Member of the said Council, *vice* Mr. Howard resigned.

W. H. VINCENT,

*Secretary to the Government of India.*

## HOME DEPARTMENT.

## NOTIFICATIONS.

## DELHI.

*Simla, the 24th October, 1912.*

No. 1223.—The services of Munshi Mahbub Alam and Lala Daswandhi Ram, Extra Assistant Commissioners, Punjab, are placed at the disposal of the Chief Commissioner of Delhi with effect from the 1st October 1912.

*The 25th October, 1912.*

No. 1227.—Mr. G. F. deMontmorency, I.C.S., Officer on special duty under the Home Department is appointed to be Personal Assistant to the Chief Commissioner of Delhi with effect from the 1st October 1912.

## MEDICAL.

*The 25th October, 1912.*

No. 906.—Colonel H. St. C. Carruthers, I.M.S., Inspector General of Civil Hospitals, Burma, is granted, with effect from the 8th November 1912, combined leave for seven months and twenty two days, *viz.*, privilege leave under Article 260 of the Civil Service Regulations, from the 8th November to the 3rd December 1912, and leave on private affairs under paragraph 226, Army Regulations, India, Volume II, from the 4th December 1912 to the 29th June 1913.

No. 909.—Colonel A. O. Evans, I.M.S., officiating Deputy Director, Medical Services, 2nd (Rawalpindi) Division, is appointed to officiate as Inspector General of Civil Hospitals, Burma, during the absence on leave of Colonel H. St. C. Carruthers, I.M.S., or until further orders.

## POLITICAL.

*The 21st October, 1912.*

No. 932.—In pursuance of the Notification of the Governor General in Council No. 1008, dated the 1st of October 1912, issued in accordance with the provisions of section 3 of the Delhi Laws Act, 1912 (XIII of 1912), and in exercise of the powers conferred by section 12 of the Indian Press Act, 1910 (I of 1910), the Governor General in Council is pleased to declare the paper entitled "The Herald of Revolt", Special Savarkar number, October 1912, published in English by Guy A. Aldred, and printed at the Bakunin Press, London, to be forfeited to His Majesty, on the ground that the said paper contains words which are likely to excite disaffection towards His Majesty or the Government established by law in British India.

H. WHEELER,

*Secretary to the Government of India.*

## NOTIFICATIONS BY THE CHIEF COMMISSIONER OF DELHI.

*Dated the 16th October, 1912.*

No. 67.—The Chief Commissioner is pleased to declare Monday, 23rd December 1912, to be a public holiday within the meaning of section 25 of the Negotiable Instruments Act, XXVI of 1881.

*The 17th October, 1912.*

No. 68.—Under the provisions of section 3, sub-section (1) of the Punjab Military Transport Animals Act, 1903 (I of 1903), the Chief Commissioner is pleased to appoint with effect from the 14th October 1912, Captain C. D. Duxbury to be a Transport Registration Officer for the purposes of the said Act within the Province of Delhi, and to grant the status of Special Assistant Commissioner to the above-named officer.

*The 18th October, 1912.*

No. 69.—Under the provisions of section 6 of Act III of 1911 (The Punjab Municipal Act), the Chief Commissioner is pleased to declare his intention to exclude from the Municipality of Delhi in the Delhi Province, as defined in Punjab Government Notifications No. 831, dated 6th November 1884, No. 713, dated 24th September 1888 and No. 69, dated 6th February 1892, the Civil Station area as shown coloured red on the plan filed in the office of the Deputy Commissioner, Delhi, measuring about 977 acres, the boundaries of which are described in the Schedule hereto annexed.

2. Any objection to the above proposal must be submitted in writing through the Deputy Commissioner to the Chief Commissioner within six weeks of the date of the publication of this Notification.

#### SCHEDULE.

*North*—The village lands of Mauza Timarpur.

*South*—Municipal Bela, City Wall from Water Bastion to Phuta Gate, Grand Trunk Road.

*East*—The River Jumna.

*West*—The Cavalry Cantonment and Hindu Rao's Estate.

*The 16th October, 1912.*

No. 70.—In exercise of the powers conferred by section 26 of the Punjab Courts Act, 1884, Munshi Abdus Samad, B.A., Registrar of the Small Cause Court of Delhi is appointed a Munsiff of the 1st Class for the purpose of exercising jurisdiction within the limits of Delhi Municipality.

No. 71.—*Powers*—In exercise of the powers conferred by section 26 of the Punjab Courts Act, 1884, Lala Chatar Behari Narain, B.A., Munsiff of Delhi, is appointed a Munsiff of the First Class for the purpose of exercising jurisdiction within the limits of the Civil District of Delhi.

No. 72.—In exercise of the powers conferred by section 26 of the Punjab Courts Act, 1884, Lala Chatar Behari Narain, B.A., Munsiff, is invested with the powers of a Judge of a Court of Small Causes for the trial of suits not exceeding Rs. 50 in value to be exercised in the Civil District of Delhi excluding the area within Municipal limits.

*The 22nd October, 1912.*

No. 73.—Whereas it appears to the Chief Commissioner of Delhi that land is required by Government for a public purpose namely, European Drivers and Guards Joint Running Room at Delhi, it is hereby declared that the undermentioned land is required for the said purpose.

This declaration is made under the provisions of section 6, Act I of 1894 and under section 7 of the said Act; the Collector of the Delhi District is hereby directed to take order for the acquisition of the said land.

#### Specification of Land.

District.	Tahsil.	Mauza.	Area in acres.	Boundaries.	Places where the plan may be inspected.
Delhi ...	Delhi ...	Delhi ...	0.57 Acre.	North—Private buildings. South—Private land ... East—Road ... West—Private land and buildings.	In the Office of Engineer-in-Chief, North-Western Railway, Lahore, and of the Deputy Commissioner, Delhi District.

No. 74.—*Erratum.* For "in exercise of the powers conferred by section 26" in Government of India Gazette Notification No. 72, dated the 16th October 1912, read "in exercise of the powers conferred by section 30."

W. M. HAILEY,  
Chief Commissioner, Delhi Province.

## DEPARTMENT OF REVENUE AND AGRICULTURE.

## NOTIFICATIONS.

## AGRICULTURE.

*Simla, the 24th October, 1912.*

No. 1030—266-3.—Mr. H. E. Annett, Supernumerary Agricultural Chemist in the Imperial Department of Agriculture, is granted privilege leave for two months and fifteen days under Articles 246 and 260 of the Civil Service Regulations, combined with study leave for ten months under rules 2 and 4 of Appendix 32 of the Civil Service Regulations, with effect from the 16th November 1912, or the subsequent date on which he may avail himself of it.

## FORESTS.

*The 24th October, 1912.*

No. 884—256-7-F.—On return from privilege leave Mr. P. H. Clutterbuck, Officiating Conservator of Forests (3rd grade) resumed charge of the Office of Conservator of Forests, Eastern Circle, United Provinces, with effect from the afternoon of the 15th October 1912, the date on which he relieved Mr. B. B. Osmaston, Conservator of Forests, Western Circle, United Provinces, of the additional charge of that post.

E. D. MACLAGAN,

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATION.

*Simla, the 25th October 1912.*

No. 52.—Mr. W. G. Wood, Superintending Engineer, 1st class, United Provinces, is appointed to officiate as Chief Engineer and Secretary, United Provinces, Public Works Department, Buildings and Roads Branch, with effect from the 22nd October 1912, *vice* the Hon'ble Mr. C. E. V. Goument, C.S.I., retired.

M. NETHERSOLE,

*Offg. Secretary to the Government of India.*

## ORDER OF THE INDIAN EMPIRE.

## NOTIFICATION.

*Simla, the 19th October, 1912.*

No. 145-I.E.—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following appointment to the said Order, with effect from the 4th September 1912:—

*To be a Knight Grand Commander.*

His Excellency the Right Honourable JOHN SINCLAIR BARON PENTLAND OF LYTH, P.C., Governor of the Presidency of Madras.

By Order of the Grand Master,

A. H. McMAHON,

*Secretary to the Most Eminent Order  
of the Indian Empire.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 23rd October, 1912.*

**No. 2215-G.**—With reference to Notification No. 917-G., dated the 23rd April, 1912, Herr H. R. Schuler, Consul for Germany at Calcutta, resumed charge of his office on the 14th October, 1912.

**No. 2908-Est.-A.**—Major R. E. A. Hamilton of the Political Department is posted as Assistant to the Resident in Mewar, with effect from 5th October, 1912.

**No. 2221-G.**—The following communication addressed by His Majesty's Secretary of State for Foreign Affairs to the Most Hon'ble the MARQUIS OF CREWE, K.G., His Majesty's Secretary of State for India, is published for general information and guidance:—

" His Majesty being fully determined to observe the duties of neutrality during the existing state of war between Turkey and Bulgaria, Turkey and Greece, Turkey and Montenegro and Turkey and Servia, and being, moreover, resolved to prevent, as far as possible, the use of His Majesty's harbours, ports, and coasts and the waters within His Majesty's territorial jurisdiction in aid of the warlike purposes of either belligerent, has commanded me to communicate to you, for your guidance, the following rules which are to be treated and enforced as His Majesty's orders and directions :

" *Rule I.*—During the continuance of the present state of war, all ships of war of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of His Majesty's Colonies or Foreign possessions or dependencies or of any waters, subject to the territorial jurisdiction of the British Crown as a station or place of resort for any warlike purpose or for the purpose of obtaining any facilities for warlike equipment. And no ship of war of either belligerent shall hereafter be permitted to leave any such port, roadstead, or waters from which any vessel of the other belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed until after the expiration of at least twenty-four hours from the departure of such last mentioned vessel beyond the territorial jurisdiction of His Majesty.

" *Rule II.*—If there is now in any such port, roadstead, or waters, subject to territorial jurisdiction of the British Crown, any ship of war of either belligerent, such ship of war shall leave such port, roadstead, or waters within such time, not less than twenty-four hours, as shall be reasonable, having regard to all circumstances and the conditions of such ship as to repairs, provisions, or things necessary for the subsistence of her crew. And, if after the date hereof any ship of war of either belligerent shall enter any such port, roadstead, or waters, subject to the territorial jurisdiction of the British Crown, such ship shall depart and put to sea within twenty-four hours after her entrance into any such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs, in either of which cases the authorities of the port or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours without permitting her to take in supplies beyond what may be necessary for her immediate use, and no such vessel, which may have been allowed to remain within British waters for the purpose of repair, shall continue in any such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed. Provided, nevertheless, that, in all cases in which there shall be any vessels (whether ships of war or merchant ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of His Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war or merchantman) of the one belligerent

and the subsequent departure therefrom of any ship of war of the other belligerent. And the time hereby limited for the departure of such ships of war respectively shall always in case of necessity be extended so far as may be requisite for giving effect to this proviso, but no further or otherwise.

*"Rule III.—No ship of war of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters, subject to territorial jurisdiction of His Majesty, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country or to some nearer named neutral destination; and no coal shall be again supplied to any such ship of war in the same or any other port, roadstead, or waters, subject to the territorial jurisdiction of His Majesty, without special permission until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid."*

*"Rule IV.—Armed ships of either belligerent are interdicted from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, the Isle of Man, the Channel Islands, or any of His Majesty's Colonies or possessions abroad. The Governor or other chief authority of each of His Majesty's territories or possessions beyond the seas shall forthwith notify and publish the above rules."*

The Governor-General in Council is pleased to direct that the Orders and Directions of His Majesty the King, Emperor of India, as contained in the above communication, are to be obeyed by all persons within the limits of His Majesty's territories and possessions in India.

*The 25th October 1912.*

No. 2242-G.—In continuation of the Notification in the Foreign Department, No. 2221-G., dated the 23rd October 1912, the following Proclamation by His Majesty the King which appeared in the *London Gazette Extraordinary* of the 21st October 1912, is republished for general information and guidance:—

BY THE KING.

A PROCLAMATION.

GEORGE, R.I.

Whereas we are happily at Peace with all Sovereigns, Powers and States:

And whereas a State of War unhappily exists between His Imperial Majesty The Sultan of Turkey, and His Majesty The King of The Bulgarians; His Imperial Majesty The Sultan of Turkey, and His Majesty The King of the Hellenes; His Imperial Majesty The Sultan of Turkey, and His Majesty The King of Montenegro; and His Imperial Majesty The Sultan of Turkey, and His Majesty The King of Servia, and between their respective Subjects, and others inhabiting within their Countries, Territories or Dominions:

And whereas We are on terms of Friendship and amicable intercourse with each of these Powers, and with their several subjects, and others inhabiting within their Countries, Territories or Dominions:

And whereas great Numbers of Our Loyal Subjects reside and carry on Commerce, and possess Property and Establishments and enjoy various Rights and Privileges, within the Dominions of each of the aforesaid Powers, protected by the Faith of Treaties between Us and each of the aforesaid Powers:

And whereas We, being desirous of preserving to Our Subjects the Blessings of Peace, which they now happily enjoy, are firmly purposed and determined to maintain a strict and impartial Neutrality in the said State of War unhappily existing between the aforesaid Powers:

We, therefore, have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation:

And We do hereby strictly charge and command all Our loving Subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid War, and to abstain from violating or contravening either the Laws and Statutes of the Realm in this behalf, or the Law of Nations in relation thereto, as they will answer to the contrary at their peril:

And whereas in and by a certain Statute made and passed in a Session of Parliament holden in the 33rd and 34th year of the reign of Her late Majesty Queen Victoria,

intituled "An Act to Regulate the conduct of Her Majesty's Subjects during the existence of Hostilities between Foreign States with which Her Majesty is at Peace," it is, among other things, declared and enacted as follows:—

"This Act shall extend to all the Dominions of Her Majesty, including adjacent territorial Waters.

*Illegal Enlistment.*

"If any Person, without the License of Her Majesty, being a British Subject, within or without Her Majesty's Dominions, accepts or agrees to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with any Foreign State at Peace with Her Majesty, and in this Act referred to as a friendly State, or whether a British Subject or not within Her Majesty's Dominions, induces any other Person to accept or agree to accept any Commission or Engagement in the Military or Naval Service of any such Foreign State as aforesaid,—

"He shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

"If any Person, without the License of Her Majesty, being a British Subject, quits or goes on board any Ship with a view of quitting Her Majesty's Dominions with intent to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State, or whether a British Subject or not, within Her Majesty's Dominions, induces any other Person to quit or to go on board any Ship with a view of quitting Her Majesty's Dominions with the like intent,—

"He shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

"If any Person induces any other Person to quit Her Majesty's Dominions or to embark on any Ship within Her Majesty's Dominions under a Misrepresentation or false Representation of the Service in which such Person is to be engaged, with the intent or in order that such Person may accept or agree to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State,—

"He shall be guilty of an Offence against this Act, and shall be punishable, by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

"If the Master or Owner of any Ship without the License of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board such Ship within Her Majesty's Dominions any of the following Persons, in this Act referred to as illegally enlisted Persons, that is to say,—

"(1) Any Person who, being a British Subject within or without the Dominions of Her Majesty, has, without the License of Her Majesty, accepted or agreed to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with any friendly State:

"(2) Any Person being a British Subject, who, without the License of Her Majesty, is about to quit Her Majesty's Dominions with intent to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with any friendly State:

"(3) Any Person who has been induced to embark under a Misrepresentation or false Representation of the service in which such Person is to be engaged with the intent or in order that such Person may accept or agree to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State:

"Such Master or Owner shall be guilty of an Offence against this Act, and the following consequences shall ensue; that is to say,—

"(1) The Offender shall be punishable by Fine and Imprisonment or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour: and

"(2) Such Ship shall be detained until the Trial and Conviction or Acquittal of the Master or Owner, and until all Penalties inflicted on the Master or Owner have been paid, or the Master or Owner has given Security for the Payment

of such Penalties to the Satisfaction of Two Justices of the Peace or other Magistrate or Magistrates having the Authority of Two Justices of the Peace : and

“ (3) All illegally enlisted Persons shall immediately on the Discovery of the Offence be taken on Shore, and shall not be allowed to return to the Ship.

*Illegal Shipbuilding and Illegal Expeditions.*

“ If any Person within Her Majesty’s Dominions without the License of Her Majesty, does any of the following acts ; that is to say,—

“ (1) Builds or agrees to build or causes to be built any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State : or

“ (2) Issues or delivers any Commission for any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State : or

“ (3) Equips any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State : or

“ (4) Despatches, or causes or allows to be despatched, any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State :

“ Such Person shall be deemed to have committed an Offence against this Act, and the following Consequences shall ensue :

“ (1) The Offender shall be punishable by Fine and Imprisonment or either of such punishments, at the discretion of the Court before which the Offender is convicted ; and Imprisonment, if awarded, may be either with or without Hard Labour :

“ (2) The Ship in respect of which any such Offence is committed, and her Equipment, shall be forfeited to Her Majesty :

“ Provided that a Person building, causing to be built, or equipping a Ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such War as aforesaid, shall not be liable to any of the penalties imposed by this Section in respect of such building or equipping if he satisfies the conditions following ; (that is to say,)—

“ (1) If forthwith upon a Proclamation of Neutrality being issued by Her Majesty he gives Notice to the Secretary of State that he is so building, causing to be built, or equipping such Ship, and furnishes such Particulars of the Contract and of any matters relating to, or done, or to be done, under the Contract as may be required by the Secretary of State :

“ (2) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for ensuring that such Ship shall not be despatched, delivered, or removed without the License of Her Majesty until the termination of such War as aforesaid.

“ Where any Ship is built by order of or on behalf of any Foreign State when at War with a friendly State, or is delivered to or to the order of such Foreign State, or any person who to the Knowledge of the Person building is an Agent of such Foreign State, or is paid for by such Foreign State or such Agent, and is employed in the Military or Naval Service of such Foreign State, such Ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the Burden shall lie on the Builder of such Ship of proving that he did not know that the Ship was intended to be so employed in the Military or Naval Service of such Foreign State.

“ If any Person within the Dominions of Her Majesty, and without the License of Her Majesty,—

“ By adding to the number of the Guns, or by changing those on board for other Guns, or by the addition of any Equipment for War, increases or augments or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike Force of any Ship which at the time of her being within the Dominions of Her Majesty was a Ship in the Military or Naval Service of any Foreign State at War with any friendly State,—

“ Such Person shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted ; and Imprisonment, if awarded, may be either with or without Hard Labour.

"If any Person within the limits of Her Majesty's Dominions, and without the License of Her Majesty,—

"Prepares or fits out any Naval or Military Expedition to proceed against the Dominions of any friendly State, the following Consequences shall ensue:

"(1) Every Person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such Expedition, shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

"(2) All Ships and their Equipments and all Arms and Munitions of War, used in or forming part of such Expedition, shall be forfeited to Her Majesty.

"Any person who aids, abets, counsels, or procures the Commission of any Offence against this Act shall be liable to be tried and punished as a principal Offender."

And whereas by the said Act it is further provided that Ships built, commissioned, equipped or despatched in contravention of the said Act, may be condemned and forfeited by Judgment of the Court of Admiralty; and that if the Secretary of State or Chief Executive Authority is satisfied that there is a reasonable and probable cause for believing that a Ship within Our Dominions has been or is being built, commissioned, or equipped, contrary to the said Act, and is about to be taken beyond the limits of such Dominions, or that a Ship is about to be despatched contrary to the Act, such Secretary of State or Chief Executive Authority shall have power to issue a warrant authorizing the seizure and search of such Ship and her detention until she has been either condemned or released by Process of Law. And whereas certain powers of seizure and detention are conferred by the said Act on certain Local Authorities;

Now, in order that none of Our Subjects may unwarily render themselves liable to the Penalties imposed by the said Statute, We do hereby strictly command that no Person or Persons whatsoever do commit any Act, Matter, or Thing whatsoever contrary to the Provisions of the said Statute, upon pain of the several Penalties by the said Statute imposed and of Our high Displeasure.

And we do hereby further warn and admonish all Our loving Subjects, and all Persons whatsoever entitled to Our Protection, to observe towards each of the aforesaid Powers, their Subjects, and Territories, and towards all Belligerents whatsoever with whom We are at Peace, the Duties of Neutrality; and to respect, in all and each of them, the Exercise of Belligerent Rights.

And we hereby further warn all Our loving subjects, and all Persons whatsoever entitled to Our Protection, that if any of them shall presume, in contempt of this Our Royal Proclamation, to do any acts in derogation of their Duty as Subjects of a Neutral Power in a War between other Powers, or in violation or contravention of the Law of Nations in that behalf, all Persons so offending will rightfully incur and be justly liable to the Penalties denounced by such Law.

And We do hereby give Notice that all Our Subjects and Persons entitled to Our Protection who may misconduct themselves in the Premises will do so at their peril, and of their own wrong; and that they will in no wise obtain any Protection from Us against such Penalties as aforesaid.

Given at Our Court at *Balmoral*, this Twenty-first day of October, in the year of Our Lord one thousand nine hundred and twelve, and in the Third year of Our reign.

GOD save the KING.

*The 25th October 1912.*

No. 2938 Est. A.—Captain H. R. Lawrence of the Political Department is posted under the orders of the Agent to the Governor-General in Central India with effect from the 7th October 1912.

A. H. McMAHON,  
Secretary to the Government of India.

## FINANCE DEPARTMENT.

## NOTIFICATIONS.

## LEAVE AND APPOINTMENTS.

*Simla, the 22nd October, 1912.*

**No. 818-F. E.**—The services of Mr. H. F. Howard, Indian Civil Service, have been replaced at the disposal of the Department of Commerce and Industry with effect from the 18th October 1912.

*The 24th October, 1912.*

**No. 833-F. E.**—Mr. G. C. Hart has been posted as Deputy Accountant General, Madras, with effect from the 3rd October 1912.

**No. 834-F. E.**—Mr. C. Muirhead has been posted as Examiner of Accounts, Oudh and Rohilkund Railway, with effect from the 9th October 1912.

*The 25th October, 1912.*

**No. 839-F. E.**—Mr. V. C. French has been appointed to officiate as Deputy Auditor General, with effect from the 17th October 1912.

**No. 840-F. E.**—Mr. E. W. Baker, I.S.O., was appointed to officiate as Superintendent, class III, in the Government of India Finance Department Secretariat, from the 6th to the 30th September 1912.

R. W. GILLAN,

*Offg. Secretary to the Government of India.*

## DEPARTMENT OF COMMERCE AND INDUSTRY.

## NOTIFICATIONS.

## CUSTOMS.

*Simla, the 21st October, 1912.*

**No. 7903.**—In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing, by sea or by land, into British India of any copy of the issue for October 1912, entitled the Special Savarkar Release number, of *The Herald of Revolt*, printed and published in London by Guy A. Aldred.

## CUSTOMS ESTABLISHMENT.

*The 26th October, 1912.*

**No. 7997-2.**—Mr. H. F. Howard, I.C.S., a Collector in Class II of the Imperial Customs Service, is granted privilege leave for three months combined with furlough for ten months with effect from the 18th October 1912, or such subsequent date as he may avail himself of the leave.

## GENERAL.

*The 26th October, 1912.*

**No. 8053-12.**—In continuation of the notification in this Department No. 2073, dated the 9th March 1912, Mr. E. P. Jones, B.A., Secretariat Superintendent, 1st grade, is granted an extension of furlough by one day.

## SALT.

The 26th October, 1912.

No. 7953-43.—The following promotions and reversions in the Northern India Salt Revenue Department are notified with effect from the dates specified:—

Name.	From	To	Nature of promotion or reversion.	With effect from
Mr. C. C. Chill ...	Superintendent, 4th grade.	Assistant Superintendent, 1st grade.	Reversion ...	7th August 1912, consequent on return from leave of Mr. Winn, Superintendent.
Mr. A. H. C. Chill...	Do. ...	Do. ...	Do. } Officiating promotion.	7th August 1912. Vice Mr. Money, Assistant Commissioner, on combined leave.
Mr. C. C. Chill ...	Assistant Superintendent, 1st grade.	Superintendent, 4th grade.	Do. } Do. ...	11th August 1912. Vice Mr. Davey, officiating Superintendent, 4th grade, on privilege leave.
Mr. A. H. C. Chill...	Do. ...	* Do. ...	Do. } Do. ...	27th August 1912. Vice Mr. Lyon, Assistant Commissioner on Rs. 500-30-800 per mensem.
Mr. Sheo Prasad, Rai Sahib.	Superintendent, 2nd grade.	Assistant Commissioner on Rs. 500-30-800 per mensem.	Do. } Do. ...	27th August 1912. Vice Mr. Lyon, Assistant Commissioner on Rs. 500-30-800 per mensem, on privilege leave.
Mr. Muhammad Ibrahim.	Assistant Superintendent, 2nd grade	Superintendent, 4th grade.	Do.	

R. E. ENTHOVEN,

Secretary to the Government of India.

## ARMY DEPARTMENT.

Simla, the 25th October 1912.

## APPOINTMENTS.

## CANTONMENT MAGISTRATES' DEPARTMENT.

No. 1014.—The services of Lieutenant-Colonel W. C. C. Leslie, Indian Army, are placed at the disposal of the Government of the United Provinces for employment as a Cantonment Magistrate.

No. 1015.—The services of Major E. T. Carwithen, Indian Army, have been placed at the disposal of the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, for employment as a Cantonment Magistrate.

No. 1016.—The services of Major G. L. Cattell, Indian Army, have been placed at the disposal of the Government of Burma for employment as a Cantonment Magistrate.

## INDIAN ARMY.

No. 1017.—The following admission to the Indian Army is made, subject to confirmation by the Most Hon'ble the Secretary of State for India:—

To be Lieutenant.

Lieutenant William Gordon Tollemache Hope-Johnstone, officiating Squadron Officer, 32nd Lancers, from the 6th Dragoon Guards (Carabiniers). Dated the 7th September 1912, but to rank from the 2nd May 1909.

## PROMOTIONS.

## CANTONMENT MAGISTRATES' DEPARTMENT.

No. 1018.—Consequent on the grant of leave notified in Army Department Notification No. 941, dated the 4th October 1912, the following officiating promotions are notified :—

Major R. R. Vaughan, 2nd Grade Cantonment Magistrate, to officiate in the 1st Grade and Major W. C. S. Prince, 3rd Grade Cantonment Magistrate, to officiate in the 2nd Grade; with effect from the 19th April 1912.

## INDIAN ARMY.

No. 1019.—The following promotion is made, subject to His Majesty's approval :—

*Major to be Lieutenant-Colonel.*

1st October 1912.

Arthur Cecil Hamilton Smithett, Commandant, 76th Punjabis.

## SUPPLY AND TRANSPORT CORPS.

*Amalgamated List.*

No. 1020.—Staff-Sergeant Thomas Dempster to be Sub-Conductor, *vice* Richard Head, (late) Bengal-Punjab List, deceased; with effect from the 10th October 1912.

## NATIVE ARMY.

## APPOINTMENTS AND PROMOTIONS.

No. 1021.—The following promotions are made :—

*21st Prince Albert Victor's Own Cavalry (Frontier Force) (Daly's Horse).*

Dafadar Arbela Singh to be Jemadar, *vice* Tapassi Singh, transferred to the pension establishment; with effect from the 11th August 1912.

*4th Prince Albert Victor's Rajputs.*

Jemadar Hetram Singh to be Subadar and supernumerary Jemadar Faqira Singh to be absorbed, *vice* Ramchandar Singh, transferred to the pension establishment; with effect from the 16th May 1912.

## SUPPLY AND TRANSPORT CORPS.

*54th Camel Corps.*

No. 1022.—Kot-Dafadar Harnam Singh, appointed Ressaider on probation, is confirmed in that rank; with effect from the 3rd October 1911.

*57th Camel Corps.*

No. 1023.—Kot-Dafadar Rurh Singh, appointed Ressaider on probation, is confirmed in that rank; with effect from the 3rd October 1911.

## SPECIAL.

No. 1024.—With reference to paragraph 305, Army Regulations, India, Volume II, the undermentioned officer having been absent from military duty for ten years, is transferred to the Supernumerary List, with effect from the date specified :—

Major Francis Carminowe Nicolas, Assistant Commissioner, 3rd Grade, Punjab,—  
23rd October 1912.

## RESIGNATIONS.

## INDIAN ARMY.

No. 1025.—Captain Malcolm Edward Sinclair, 99th Deccan Infantry, has been permitted by the Most Hon'ble the Secretary of State for India to resign the service, subject to His Majesty's approval; with effect from the 7th November 1912.

No. 1026.—Lieutenant Thomas Roche Rearden, 2nd Queen Victoria's Own Rajput Light Infantry, has been permitted to resign the service, subject to His Majesty's approval; with effect from the 25th October 1912.

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## ASSISTANT SURGEON BRANCH.

*Bengal Establishment.*

No. 1027.—The date of resignation of 3rd Class Assistant Surgeon C. E. R. Norman is 12th July 1912 and not as stated in Army Department Notification No. 881, dated the 13th September 1912.

## RETIREMENTS.

## INDIAN ARMY.

No. 1028.—Lieutenant-Colonel Charles Herbert, C.S.I., Unemployed Supernumerary List, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval; with effect from the 13th September 1912.

## VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Simla Volunteer Rifles.*

No. 1029.—Reginald Tharle Hughes to be Second Lieutenant, to fill an existing vacancy. Dated the 20th August 1912.

*East Indian Railway Volunteer Rifles.*

No. 1030.—Second Lieutenant Norman Aubrey Samuel Bond to be Lieutenant, *vice* E. H. Godson, transferred to the 2nd Battalion, Bombay, Baroda and Central India Railway Volunteer Rifles. Dated the 1st April 1912.

Second Lieutenant William Crafnant Mould to be Lieutenant, *vice* A. F. C. deCosson, resigned. Dated the 15th June 1912.

Kenneth Peddie to be Second Lieutenant, *vice* C. C. Chesney, promoted. Dated the 1st January 1912.

Norman Arthur Shove to be Second Lieutenant, *vice* D. M. S. Robertson, promoted. Dated the 13th March 1912.

Edward Heton Robertson to be Second Lieutenant, *vice* R. L. Ray, promoted. Dated the 1st April 1912.

Robert Charles Hodson to be Second Lieutenant, *vice* C. Evers, promoted. Dated the 13th April 1912.

*Bombay Volunteer Rifles.*

No. 1031.—Major Patric Robert Cadell to be Lieutenant-Colonel, to fill an existing vacancy. Dated the 1st March 1912.

Captain Harold Ferdinand Busch to be Major, to fill an existing vacancy. Dated the 1st June 1912.

Second Lieutenant Charles Henry Goodall to be Lieutenant, to fill an existing vacancy. Dated the 1st March 1912.

Malcolm Nicholson Hogg to be Second Lieutenant, to fill an existing vacancy. Dated the 1st June 1912.

Neville Greaves Hunt to be Second Lieutenant, to fill an existing vacancy. Dated the 1st June 1912.

Henry Berkeley Murray to be Second Lieutenant, to fill an existing vacancy. Dated the 1st June 1912.

B. HOLLOWAY, Colonel,

Off. Secretary to the Government of India.

## ARMY DEPARTMENT.

### NOTIFICATION.

Simla, the 25th October 1912.

Under Clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that a report of the death of the undermentioned Warrant Officer on the date specified, was received in the Army Department between the 9th and 22nd October 1912:—

Corps.	Rank and name.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
29th Mule Corps	Sub-Conductor Richard Head	9th October 1912	Murree	...	

B. HOLLOWAY, Colonel,

Off. Secretary to the Government of India.

## MARINE DEPARTMENT.

Simla, the 25th October 1912.

### LEAVE.

No. 63.—Engineer E. A. Vile, Royal Indian Marine, has been granted by the Most Hon'ble the Secretary of State for India an extension of leave for three months on medical certificate.

B. HOLLOWAY, Colonel,

Off. Secretary to the Government of India.

## RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

### NOTIFICATIONS.

Simla, the 23rd October 1912.

No. 198.—Mr. A. Upson, District Traffic Superintendent, North Western Railway, in class II, grade 1, of the Superior Revenue Establishment of State Railways, is permitted to retire from the service of Government under the provisions of Article 650 of the Civil Service Regulations with effect from the 30th October 1912.

No. 199.—With reference to Railway Board's Notification No. 135, dated the 8th August 1912, Mr. E. B. Beatson, Officiating Deputy Manager, North Western Railway, reverted to his substantive appointment of Executive Engineer on that railway with effect from the 7th October 1912.

**No. 200.**—It is hereby notified for general information that the Railway Board have sanctioned detailed surveys being carried out by the agency of the Great Indian Peninsula Railway Administration for light feeder railways on the 2' 6" gauge from Vambori to Sheogaon in the Ahmednagar district, a distance of about 35 miles, and from Pachora to Jamner in the East Khandesh district, a distance of about 32 miles.

These surveys will be known as the Vambori Sheogaon and Pachora Jamner Railway Surveys respectively.

*The 24th October 1912.*

**No. 201.**—Mr. J. A. Ten Broeke, Superintendent, 2nd grade, is permitted to retire from the service of Government under the provisions of Article 464 of the Civil Service Regulations, with effect from the 18th October 1912.

**No. 202.**—With reference to Notification No. 201 dated the 24th October 1912, the following permanent promotions are ordered:—

Name.	From	To
Mr. S. C. Lahiri ... ...	Superintendent, 3rd grade ..	Superintendent, 2nd grade.
Mr. T. B. Heysham ... ...	Secretariat Assistant, 1st grade ...	Superintendent, 3rd grade.

**No. 203.**—With reference to Railway Board's Notification No. 41 dated the 10th May 1912, Mr. F. Jackson, Officiating District Traffic Superintendent, Oudh and Rohilkhand Railway, reverted to his substantive appointment of Assistant Traffic Superintendent, in class III, grade 1, of the Superior Revenue Establishment of State Railways, with effect from the 3rd October 1912.

**No. 204.**—With reference to Railway Board's Notifications No. 42 dated the 10th May 1912 and No. 203 dated the 24th October 1912, Mr. F. Taylor, Officiating Assistant Traffic Superintendent, Oudh and Rohilkhand Railway, reverted to his substantive appointment of Station Master, with effect from the date of relief of his duties as Assistant Traffic Superintendent.

**No. 205.**—The following is published for general information:—

RESOLUTION—By the Railway Board.

No. 2107-R. T., dated the 22nd October 1912.

**Application to the Baraset-Basirhat, Jessore-Jhenidah, Howrah-Amra and Howrah-Sheakhala Light Railways, of the General Rules for working railways under construction.**

**RESOLUTION.**—The Managing Agents of the Howrah-Amra, Howrah-Sheakhala, Baraset-Basirhat and Jessore-Jhenidah Light Railways have applied for sanction to the adoption on their respective lines of the General Rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which rules were promulgated under Railway Board's Resolution No. 1216-R. T., dated the 6th July 1912, and published in the *Gazette of India* under their Notification No. 114 of the same date.

2. In exercise of the powers conferred by the Notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board sanction, under section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890), the application of the General Rules for working railways under construction, cited in paragraph 1 above, to the Howrah-Amra, Howrah-Sheakhala, Baraset-Basirhat and Jessore-Jhenidah Light Railways.

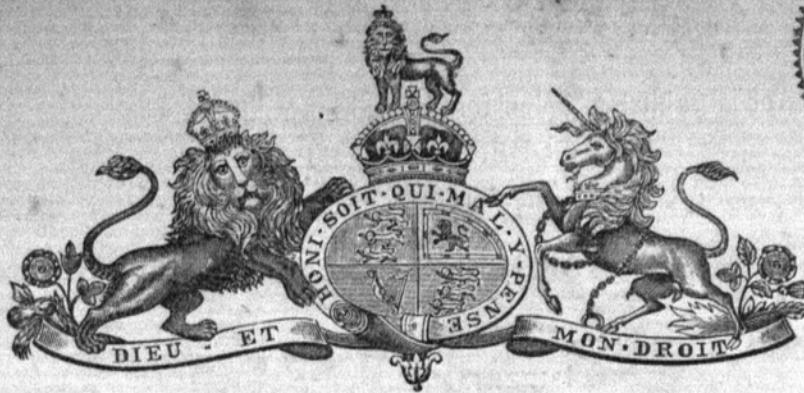
**ORDER.**—Ordered that this resolution be published under a notification in Part I of the *Gazette of India* as required by section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890); also that the General Rules, which have already been published in the *Gazette of India*, be further notified to the Railway servants concerned and to the public by a copy thereof being kept open to inspection, free of any charge, in the offices of the Engineers in charge of the construction of the railways; also that a copy of this resolution be communicated to the Managing Agents, Howrah-Amra, Howrah-Sheakhal, Baraset-Basirhat and Jessore-Jhenidah Light Railways for information and communication to the said Engineers; and to the Secretary to the Government of Bengal, Railway Department, the Senior Government Inspector of Railways, Circle No. 2, Calcutta, and to the Secretary, Indian Railway Conference Association, for information.

*The 25th October 1912.*

**No. 206.**—On return from leave Mr. W. F. Harnett, Deputy Locomotive Superintendent, North Western Railway, is transferred to the Eastern Bengal Railway and appointed to officiate as Locomotive and Carriage Superintendent of that Railway until further orders.

**No. 207.**—With reference to Railway Board's Notification No. 143 dated 22nd August 1912 and No. 206 dated 25th October 1912, Mr. J. P. Williams, Officiating Locomotive and Carriage Superintendent, Eastern Bengal Railway, is on relief by Mr. W. F. Harnett transferred to the North Western Railway in his substantive rank of Deputy Locomotive Superintendent.

R. C. F. VOLKERS,  
*Secretary, Railway Board.*



IMPERIAL  
15. NOV. 12.

# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 44.}

SIMLA, SATURDAY, NOVEMBER 2, 1912.

*Separate paging is given to this Part in order that it may be filed as a separate compilation.*

## CONTENTS.

PAGES.	PAGES.
<b>PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations</b> . . . . .	<b>1175—1232</b>
<b>PART II.—Notifications by Comptroller General, Department of Commerce and Industry, Paper Currency Department, Bank of Bengal, Agent to the Governor General and Chief Commissioner in Baluchistan, Agent to the Governor General, North-West Frontier Province, Administrator General of Bengal, High Court, Survey of India Department, Indian Museum, State Railways, Calcutta University, Post Office, Telegraph Department, Official Advertisements</b> . . . . .	<b>1679—1702</b>
<b>PART III.—Advertisements and notices by Private Individuals and Corporations</b> . . . . .	<b>85</b>
<b>SUPPLEMENT NO. 44—</b>	
Statement of Wholesale and Retail Prices and certain staple articles of food-grains for the second-half of September 1912 . . . . .	
2071—2089	
Tariff valuation of Sugar . . . . .	
2090	
Statement of plague seizures and deaths reported in India during the week ending the 26th October 1912 . . . . .	
2091—2098	
Rainfall Summary for the seven days ending at 8 hrs., Thursday, the 31st October 1912, based on the Indian Daily Weather Reports of the period .	
2099—2100	
Season and Crop Prospects for the week ending Saturday, the 26th October 1912 . . . . .	
2101—2103	
Statement of Approximate Gross Earnings of Indian Railways . . . . .	
2104—2105	

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

## LEGISLATIVE DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 30th October, 1912.*

**No. 55.—The following Proclamation is hereby published :**

### PROCLAMATION.

In pursuance of clause (d) of sub-section (2) of section 37 of the Copyright Act, 1911 (1 & 2 Geo. 5, Chap. 46), the Governor General is pleased to proclaim the said Act and to direct that it shall come into operation in British India from the date of this proclamation.

( 1175 )

The Act is published below for general information :—

COPYRIGHT ACT, 1911.

[1 & 2 GEO. 5, CH. 46.]

ARRANGEMENT OF SECTIONS.

PART I.

IMPERIAL COPYRIGHT.

*Rights.*

Section.

1. Copyright.
2. Infringement of copyright.
3. Term of copyright.
4. Compulsory licences.
5. Ownership of copyright, etc.

*Civil Remedies.*

6. Civil remedies for infringement of copyright.
7. Rights of owner against persons possessing or dealing with infringing copies, etc.
8. Exemption of innocent infringer from liability to pay damages, etc.
9. Restriction on remedies in the case of architecture.
10. Limitation of actions.

*Summary Remedies.*

11. Penalties for dealing with infringing copies, etc.
12. Appeals to quarter sessions.
13. Extent of provisions as to summary remedies.

*Importation of Copies.*

14. Importation of copies.

*Delivery of Books to Libraries.*

15. Delivery of copies to British Museum and other libraries.

*Special Provisions as to certain Works.*

16. Works of joint authors.
17. Posthumous works.
18. Provisions as to Government publications.
19. Provisions as to mechanical instruments.
20. Provision as to political speeches.
21. Provisions as to photographs.
22. Provisions as to designs registrable under 7 Edw. 7, c. 29.
23. Works of foreign authors first published in parts of His Majesty's dominions to which Act extends.
24. Existing works.

*Application to British Possessions.*

25. Application of Act to British Dominions.
26. Legislative powers of self-governing Dominions.
27. Power of Legislatures of British possessions to pass supplemental legislation.
28. Application to protectorates.

PART II.

INTERNATIONAL COPYRIGHT.

29. Power to extend Act to foreign works.
30. Application of Part II to British possessions.

PART III.

SUPPLEMENTAL PROVISIONS.

31. Abrogation of common law rights.
32. Provisions as to Orders in Council.
33. Saving of university copyright.

34. Saving of compensation to certain libraries.
35. Interpretation.
36. Repeal.
37. Short title and commencement.

SCHEDULES.

CHAPTER 46.

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO COPYRIGHT.

[16TH DECEMBER 1911.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

IMPERIAL COPYRIGHT.

*Rights.*

1. (1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term herein-after mentioned in every original literary dramatic musical and artistic work, if—

- (a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and
- (b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid;

but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self-governing dominions to which this Act does not extend and to foreign countries.

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right,—

- (a) to produce, reproduce, perform, or publish any translation of the work;
- (b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
- (c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;
- (d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,

and to authorise any such acts as aforesaid.

(3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

2. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright:

Provided that the following acts shall not constitute an infringement of copyright :—

- (i) Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary :
- (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work :
- (iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art :
- (iv) The publication in a collection, mainly composed of non-copyright matter, bona fide intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists : Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged :
- (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries :
- (vi) The reading or recitation in public by one person of any reasonable extract from any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who—

- (a) sells or lets for hire, or by way of trade exposes or offers for sale or hire ; or
- (b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright ; or
- (c) by way of trade exhibits in public ; or
- (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

3. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years

after his death :

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright in the work

shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent on the price at which he publishes the work; and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

4. If at any time after the death of the author of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a licence to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit.

5. (1) Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein :  
Ownership of copyright, &c.

Provided that—

(a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright; and

(b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by licence, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent:

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such

reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

*Civil Remedies.*

6. (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

7. All infringing copies of any work in which copyright subsists, or of Rights of owner against persons possessing or any substantial part thereof, and all plates dealing with infringing copies, &c. used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

8. Where proceedings are taken in respect of the infringement of the copyright, Exemption of innocent infringer from liability to pay damages, &c. right in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had not reasonable ground for suspecting that copyright subsisted in the work.

9. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

**10.** An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

Limitation of actions.

*Summary Remedies.*

**II. (1)** If any person knowingly—

Penalties for dealing with infringing copies, etc.

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists ; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work ; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright ; or
- (d) by way of trade exhibits in public any infringing copy of any such work ; or
- (e) imports for sale or hire into the United Kingdom any infringing copy of any such work :

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding forty shillings for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction ; or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

(4) Nothing in this section shall, as respects musical works, affect the provisions of the Musical (Summary Proceedings) Copyright Act, 1902, or the Musical Copyright Act, 1906.

<sup>2 Edw.</sup>  
<sup>c. 15.</sup>  
<sup>6 Edw. 7.</sup>  
<sup>c. 36.</sup>

**12.** Any person aggrieved by a summary conviction of an offence under the foregoing provisions of this Act may in Appeals to quarter sessions. England and Ireland appeal to a court of quarter sessions and in Scotland under and in terms of the Summary Jurisdiction (Scotland) Acts.

**13.** The provisions of this Act with respect to summary remedies shall extend only to the United Kingdom.

Extent of provisions as to summary remedies.

*Importation of Copies.*

**14. (1)** Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or

Importation of copies.

his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-  
 39 & 40 Vict. c. 36. two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

(2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention; and may provide for notices under any enactment repealed by this Act being treated as notices given under this section.

(6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation Act, 1876: Provided that, notwithstanding anything in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section.

(7) This section shall, with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession.

#### *Delivery of Books to Libraries.*

15. (1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it.

(2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some dépôt in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely: the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letter-press or in the maps, prints, or other engravings belonging thereto.

*Special Provisions as to certain Works.*

16. (1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licenses a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

17. (1) In the case of a literary dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case

of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

**18.** Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

**19.** (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends, records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—

- (a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work; and
- (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned :

Provided that—

- (i) nothing in this provision shall authorise any alterations in, or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question; and
- (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall—

- (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per cent; and
- (b) in the case of contrivances sold as aforesaid after the expiration of that period, five per cent.

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a half-penny for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing:

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as

aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament; but, where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions :

(a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply ;

(b) The rate of two and one-half per cent shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, nineteen hundred and thirteen, if contrivances reproducing the same work had been lawfully made, or placed on sale, within the parts of His Majesty's dominions to which this Act extends before the first day of July, nineteen hundred and ten :

(c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignees, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal personal representatives :

(d) The saving contained in this Act of the rights and interests arising from, or in connexion with, action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section :

(e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived:

Provided that—

- (i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright; and
- (ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

20. Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

21. The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph

was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this extends if it has established a place of business within such parts.

22. (1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section eighty-six of the Patents and Designs Act, 1907, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

23. If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works.

24. (1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder:

Provided that—

- (a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the

right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

- (i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or
- (ii) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment;

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the London Gazette and in two London newspapers:

- (b) where any person has, before the twenty-sixth day of July nineteen hundred and ten, taken any action whereby he has incurred any expenditure or liability in connexion with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connexion with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(2) For the purposes of this section, the expression "author" includes the legal personal representatives of a deceased author.

(3) Subject to the provisions of section nineteen sub-sections (7) and (8) and of section thirty-three of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under, and in accordance with, the provisions of this section.

#### *Application to British Possessions.*

25. (1) This Act, except such of the provisions thereof as are expressly restricted to the United Kingdom, shall extend throughout His Majesty's dominions: Provided that it shall not extend to a self-governing dominion, unless declared by the Legislature of that dominion to be in force therein either without any modifications or additions, or with such modifications and additions relating exclusively to procedure and remedies, or necessary to adapt this Act to the circumstances of the dominion, as may be enacted by such Legislature.

(2) If the Secretary of State certifies by notice published in the London Gazette that any self-governing dominion has passed legislation under which works, the authors whereof were at the date of the making of the works British

subjects resident elsewhere than in the dominion or (not being British subjects) were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominion rights substantially identical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if it were a dominion to which this Act extends; and it shall be lawful for the Secretary of State to give such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, manufactured in a foreign country, under the law of the dominion, differ from those under this Act.

**26.** (1) The Legislature of any self-governing dominion may, at any time, Legislative powers of self-governing dominions. repeal all or any of the enactments relating to copyright passed by Parliament (including this Act) so far as they are operative within that dominion: Provided that no such repeal shall prejudicially affect any legal rights existing at the time of the repeal, and that, on this Act or any part thereof being so repealed by the Legislature of a self-governing dominion, that dominion shall cease to be a dominion to which this Act extends.

(2) In any self-governing dominion to which this Act does not extend, the enactments repealed by this Act shall, so far as they are operative in that dominion, continue in force until repealed by the Legislature of that dominion.

(3) Where His Majesty in Council is satisfied that the law of a self-governing dominion to which this Act does not extend provides adequate protection within the dominion for the works (whether published or unpublished) of authors who at the time of the making of the work were British subjects resident elsewhere than in that dominion, His Majesty in Council may, for the purpose of giving reciprocal protection, direct that this Act except such parts (if any) thereof as may be specified in the Order, and subject to any conditions contained therein, shall, within the parts of His Majesty's dominions to which this Act extends, apply to works the authors whereof were, at the time of the making of the work, resident within the firstmentioned dominion, and to works first published in that dominion; but, save as provided by such an Order, works the authors whereof were resident in a dominion to which this Act does not extend shall not, whether they are British subjects or not, be entitled to any protection under this Act except such protection as is by this Act conferred on works first published within the parts of His Majesty's dominions to which this Act extends:

Provided that no such Order shall confer any rights within a self-governing dominion, but the Governor in Council of any self-governing dominion to which this Act extends, may, by Order, confer within that dominion the like rights as His Majesty in Council is, under the foregoing provisions of this subsection, authorised to confer within other parts of His Majesty's dominions.

For the purposes of this subsection, the expression "a dominion to which this Act extends" includes a dominion which is for the purposes of this Act to be treated as if it were a dominion to which this Act extends.

**27.** The Legislature of any British possession to which this Act extends Power of Legislatures of British possessions to pass supplemental legislation. may modify or add to any of the provisions of this Act in its application to the possession, but, except so far as such modifications and additions relate to procedure and remedies, they shall apply only to works the authors whereof were, at the time of the making of the work, resident in the possession, and to works first published in the possession.

**28.** His Majesty may, by Order in Council, extend this Act to any territories under his protection and to Cyprus, Application to protectorates. and, on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends.

## PART II.

## INTERNATIONAL COPYRIGHT.

29. (1) His Majesty may, by Order in Council, direct that this Act (except such parts, if any, thereof as may be specified in the Order) shall apply—

- (a) to works first published in a foreign country to which the Order relates, in like manner as if they were first published within the parts of His Majesty's dominions to which this Act extends;
- (b) to literary, dramatic, musical, and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were British subjects;
- (c) in respect of residence in a foreign country to which the Order relates, in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends;

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly:

Provided that—

- (i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright), His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I of this Act;
- (ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates;
- (iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order;
- (iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order;
- (v) in applying the provision of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country;
- (vi) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the International Copyright Act, 1886.

(2) An Order in Council under this section may extend to all the several countries named or described therein.

30. (1) An Order in Council under this Part of this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possession specified in the order with respect to which it appears to His Majesty expedient that the Order should not apply.

Application of Part II to British possessions.

49 & 50 Vict.  
c. 33.

(2) The Governor in Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like orders as under this Part of this Act His Majesty in Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions, and the provisions of this Part of this Act shall, with the necessary modifications, apply accordingly.

(3) Where it appears to His Majesty expedient to except from the provisions of any order any part of his dominions not being a self-governing dominion, it shall be lawful for His Majesty by the same or any other Order in Council to declare that such order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order.

### PART III.

#### SUPPLEMENTAL PROVISIONS.

**31.** No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished,

Abrogation of common law rights.

otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

**32. (1)** His Majesty in Council may make Orders for altering, revoking, or varying any Order in Council made

Provisions as to Orders in Council.

under this Act, or under any enactments

repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests.

(2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

**33.** Nothing in this Act shall deprive any of the universities and colleges mentioned in the Copyright Act, 1775,

Saving of university copyright.

of any copyright they already possess under

that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act.

**34.** There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such

Saving of compensation to certain libraries.

annual compensation as was immediately

before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books.

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library.

Interpretation.

**35. (1)** In this Act, unless the context otherwise requires,—

“Literary work” includes maps, charts, plans, tables, and compilations;

“Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

“Artistic work” includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;

“Work of sculpture” includes casts and models;

“Architectural work of art” means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

“Engravings” include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs;

“Photograph” includes photo-lithograph and any work produced by any process analogous to photography;

“Cinematograph” includes any work produced by any process analogous to cinematography;

“Collective work” means—

(a) an encyclopædia, dictionary, year book, or similar work;

(b) a newspaper, review, magazine, or similar periodical; and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;

“Infringing,” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act;

“Performance” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

“Delivery,” in relation to a lecture, includes delivery by means of any mechanical instrument;

“Plate” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

“Lecture” includes address, speech, and sermon;

“Self-governing dominion” means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty’s dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty’s dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council.

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends.

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part.

36. Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the Repeal.

third column of that schedule :

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part.

37. (1) This Act may be cited as the Short title and commencement. Copyright Act, 1911.

(2) This Act shall come into operation—

(a) in the United Kingdom, on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council;

(b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion;

(c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively;

(d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor.

## SCHEDULES.

Section 24.

### FIRST SCHEDULE.

#### EXISTING RIGHTS.

Existing Right.	Substituted Right.
<i>(a) In the case of Works other than Dramatic and Musical Works.</i>	
Copyright ... ...	Copyright as defined by this Act.*
<i>(b) In the case of Musical and Dramatic Works.</i>	
Both copyright and performing right	Copyright as defined by this Act.*
Copyright, but not performing right	Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright	The sole right to perform the work in public, but none of the other rights comprised in copyright as defined by this Act.

\* In the case of an essay, article, or portion forming part of and first published in a review, magazine, or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would, if this Act had not been passed have become entitled under section eighteen of the Copyright Act, 1842.

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings:—

“Copyright,” in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

“Performing right,” in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

## SECOND SCHEDULE.

Section 36.

### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Geo. 2 c. 13	The Engraving Copyright Act, 1734 ...	The whole Act.
7 Geo. 3. c. 38	The Engraving Copyright Act, 1767 ...	The whole Act.
15 Geo. 3. c. 53.	The Copyright Act, 1775 ...	The whole Act.
17 Geo. 3. c. 57.	The Prints Copyright Act, 1777 ...	The whole Act.
54 Geo. 3. c. 56.	The Sculpture Copyright Act, 1814 ...	The whole Act.
3 & 4 Will. 4. c. 15.	The Dramatic Copyright Act, 1833 ...	The whole Act.
5 & 6 Will. 4. c. 65.	The Lectures Copyright Act, 1835 ...	The whole Act.
6 & 7 Will. 4. c. 59.	The Prints and Engravings Copyright (Ireland) Act, 1836.	The whole Act.
6 & 7 Will. 4. c. 110.	The Copyright Act, 1836 ...	The whole Act.
5 & 6 Vict. c. 45.	The Copyright Act, 1842 ...	The whole Act.
7 & 8 Vict. c. 12.	The International Copyright Act, 1844	The whole Act.
10 & 11 Vict. c. 95.	The Colonial Copyright Act, 1847 ...	The whole Act.
15 & 16 Vict. c. 12.	The International Copyright Act, 1852	The whole Act.
25 & 26 Vict. c. 68.	The Fine Arts Copyright Act, 1862 ...	Sections one to six. In section eight the words “and pursuant to any Act for the protection of copyright engravings,” and “and in any such Act as aforesaid.” Sections nine to twelve.

Session and Chapter.	Short Title.	Extent of Repeal.
38 & 39 Vict. c. 12.	The International Copyright Act, 1875	The whole Act.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876	Section forty-two, from "Books wherein" to "such copyright will expire." Sections forty-four, forty-five, and one hundred and fifty-two.
45 & 46 Vict. c. 40.	The Copyright (Musical Compositions) Act, 1882.	The whole Act.
49 & 50 Vict. c. 33.	The International Copyright Act, 1886	The whole Act.
51 & 52 Vict. c. 17.	The Copyright (Musical Compositions) Act, 1888.	The whole Act.
52 & 53 Vict. c. 42.	The Revenue Act, 1889 ...	Section one, from "Books first published" to "as provided in that section."
6 Edw. 7. c. 36.	The Musical Copyright Act, 1906 ...	In section three the words "and which has been registered in accordance with the provisions of the Copyright Act, 1842, or of the International Copyright Act, 1844, which registration may be effected notwithstanding anything in the International Copyright Act, 1886."

*Simla, the 1st November, 1912.*

No. 56.—The Governor General is pleased to accept the resignation by the Hon'ble Mr. Michael Nethersole of his office of Additional Member of the Legislative Council of the Governor General.

No. 57.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 and 25 Vict., c. 67), as modified by the Indian Councils Act, 1909 (9 Edw. 7, c. 4), and in pursuance of the provisions of Regulation XI (2) of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, the Governor General is pleased to nominate Mr. Webster Boyle Gordon, C.I.E., being an official, to be an Additional Member of the said Council, *vice* Mr. Nethersole resigned.

W. H. VINCENT,

*Secretary to the Government of India.*

#### HOME DEPARTMENT.

##### NOTIFICATIONS.

##### DELHI.

*Simla, the 31st October, 1912.*

No. 1259.—The services of the following officers are placed at the disposal of the Chief Commissioner of Delhi, with effect from the 1st October 1912:—

Mr. D. S. Hadow, Superintendent of Police.

Mr. N. L. K. Wilson

Mr. A. R. Macrae ...

Mr. H. W. Waite ...

Mr. St. G. Beaty, Deputy Superintendent of Police.

Assistant Superintendents of Police.

## ESTABLISHMENTS.

*The 30th October, 1912.*

No. 2051.—The Hon'ble Sir John Prescott Hewett, G.C.S.I., C.I.E., has been permitted to resign His Majesty's Indian Civil Service, with effect from the 27th September 1912.

## PUBLIC.

*Simla, the 26th October, 1912.*

No. 2441.—The following rules, to be substituted for rules IV, V and XIII of the rules for the submission, receipt and transmission of memorials and other papers of the same class to His Majesty the King, Emperor of India, or to the Right Hon'ble the Secretary of State for India, which were published with the Home Department Notification No. 148, dated the 19th January 1905, as amended by Home Department Notification No. 1955, dated the 10th September 1912, are hereby published for general information:—

IV.—Every memorial to His Majesty or to the Secretary of State for India presented through the Government of Madras, Bombay or Bengal should be forwarded direct by the local Government, with a full statement of facts and an expression of opinion, except in the case of a memorial which—

(a) relates to—

- (i) any rule or standing order of the Government of India, or
- (ii) any Legislative Proceeding of the Governor General in Council or to an Act to which the Governor General has assented, or
- (iii) a case which has been previously under the consideration of the Government of India, whether on appeal or otherwise, or

(b) if granted, would cause expenditure for which the Imperial and not the local Government would be primarily responsible.

Every such memorial should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the proper department for transmission to the Secretary of State\* for India.

\* "In the case of memorials and petitions against, or regarding Acts passed by the Legislative Council of the Governor General, the Legislative Department is to be considered to be the department having cognizance of the subject-matter of the memorial. Such memorials will be transmitted to His Majesty's Secretary of State through that department; and to it should be referred all memorials of the kind now described, which may reach any other department of the Government of India. The Legislative Department will, when necessary, consult the executive department concerned before disposing of, or transmitting, such memorials."—Home Department No <sup>22 Public</sup> 996—1001, dated 24th May 1878.

Memorials involving questions relating to pensions, gratuities, allowances, and the like should be forwarded through the Government of India—Home Department Notification No. 5153, dated 10th September 1901.

V.—Every memorial to His Majesty or to the Secretary of State for India presented through a local Government, other than the Government of Madras, Bombay or Bengal, should be forwarded by the local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed.†

† Appeals by private persons from the orders of the Lieutenant-Governors lie, in the first instance, to the Governor-General in Council. An appeal to the Secretary of State will lie only in the event of an appeal to the Governor-General in Council having been rejected.

XIII.—The Government of India may withhold the transmission of a memorial to His Majesty or to the Secretary of State for India unless the memorialist has previously memorialized the Government of India and the local Government concerned on the same subject; and the Government of Madras, Bombay or Bengal may withhold the transmission of a memorial which under rule IV they are authorized to forward direct, unless the memorialist has previously memorialized the local Government concerned on the same subject: provided that, when the memorial is one for pardon which no authority in India has power to grant, it should be addressed to His Majesty and forwarded to the Secretary of State for India.

H. WHEELER,

Secretary to the Government of India.

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 28th October, 1912.*

**No. 2234-I-B.**—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that in the Hyderabad Assigned Districts Land Revenue Code, 1896, which was published with the notification of the Government of India in the Foreign Department No. 3068-I-B., dated the 2nd October 1896, the following amendment shall be made, namely:—

After Chapter VIII the following Chapter shall be inserted, namely:—

## CHAPTER VIII-A.

## THE PREPARATION AND MAINTENANCE OF A RECORD OF RIGHTS IN LAND.

**96-A.**—The Chief Commissioner may, whenever it may seem expedient, direct the preparation and maintenance of a record of rights in land, in addition to any registers prescribed by or under this Code, in any part of the Hyderabad Assigned Districts. Such record may extend to all lands generally in a specified area or to such land only as the Chief Commissioner may direct, and shall be prepared and maintained in accordance with the rules issued from time to time by the Chief Commissioner and published in the official Gazette; and when so published such rules shall, until cancelled or amended, have the force of law.

**96-B.** (1) The record of rights shall include the following particulars:—

- (a) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land, or assignees of the rent or revenue thereof, in the whole or part of any survey number or other holding in the village;
- (b) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching thereto;
- (c) the rent or revenue (if any) payable by or to any of such persons;
- (d) such other particulars as the Chief Commissioner may prescribe by rules made in this behalf.

(2) Provided that the said particulars shall be entered in the record of rights with respect to tenancies of such class or classes to which the Chief Commissioner may, by notification in the official Gazette, direct that the provisions of this section shall apply in any local area or generally.

**96-C.** (1) Any person acquiring, by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, tenant of any class which may be notified under sub-section (2) of section 96-B., or assignee of the rent or revenue thereof, in the whole or part of any survey number or other holding in the village, shall report orally or in writing his acquisition of such right to the village patwari within three months from the date of such acquisition. The patwari shall give a receipt for such report in a form to be prescribed by the Chief Commissioner.

*Explanation I.*—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

*Explanation II.*—A person in whose favour a mortgage is discharged or extinguished, or a lease determines, acquires a right within the meaning of this section.

2. Where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the village patwari.

3. Provided that any person acquiring a right by virtue of a registered document or under a decree of a Civil Court shall be exempted from the obligation to report to the village patwari.

**96-D.** (1) The village patwari shall enter in a register of mutations every acquisition of right reported to him under section 96-C and shall also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (1) of section 96-C, which he has reason to believe to have taken place and of which a report has not been made to him under the said section.

(2) Whenever a village patwari makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in the Chauri or some other public place, if any, in the village and shall give written intimation to all persons appearing from the report or record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) Should any objection to an entry made under sub-section (1) in the register of mutations be made either orally or in writing to the village patwari, it shall be the duty of the village patwari to enter the particulars of the objection in a register of disputed cases. The patwari shall give a receipt for the objection to the person making it in a form to be prescribed by the Chief Commissioner.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded by such officers and in such manner as may be prescribed by rules made by the Chief Commissioner in this behalf.

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Chief Commissioner in this behalf: provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(6) Entries in the register of mutations shall be tested and if found correct, or after Entries in register of mutations how to be certified, correction as the case may be, shall be certified by a Revenue Officer of rank not lower than that of a Naib-Tahsildar.

(7) The provisions of this section shall apply in respect of any tenancies mentioned in Tenancies. a notification under sub-section (2) of section 96-B, but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies in such manner and under such procedure as the Chief Commissioner may prescribe in rules made in this behalf.

96-E. (1) Any person whose rights, interests or liabilities are required to be, or have been, entered in any record or register under this chapter, shall be bound, on the requisition of any Revenue Officer or village patwari engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(2) A Revenue Officer or village patwari to whom any information is furnished, or before whom any document is produced under sub-section (1), shall at once, if required, give a written acknowledgment thereof to the person furnishing or producing the same, and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

96-F. Any person neglecting to make the report or furnish the information or produce the documents required by section 96-C, or section 96-E within the prescribed period shall be liable, at the discretion of the Deputy Commissioner, to be charged a fee not exceeding twenty-five rupees, which shall be leviable as an arrear of land revenue.

Requisition of assistance in preparation of maps and record of rights. 96-G. (1) Subject to rules made in this behalf by the Chief Commissioner—

(a) any Revenue Officer, Revenue Inspector, Measurer or village patwari may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this chapter, exercise any of the powers of a Revenue Officer or Survey Officer especially employed on this behalf under section 84, provided that a village patwari shall not assess the cost of hired labour;

(b) in addition to the cost of hired labour, if any, assessed under clause (a), any Revenue Officer of a rank not lower than that of an Assistant Commissioner or of a Survey Officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand;

(c) in addition to such measurement fee a separate fee may be charged for each entry in the record of rights, in return for which a certified copy of the entry shall be given.

(2) In fixing such fees regard shall be had to the actual cost of the preparation of the record of rights and of the measurement work. Such fees shall be recoverable as a revenue demand.

96-H. (1) The plaintiff or applicant in every suit or application as hereinafter defined Certified copy of record to be annexed to plaint relating to land shall annex to the plaint or or application. application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.

*Explanation.*—“Certified copy” means a copy certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872.

(2) If the plaintiff or applicant fails so to do for any cause which the Court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court, and if such certified copy is not so annexed or produced the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter, with a certified copy annexed.

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the Deputy Commissioner any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Deputy Commissioner shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional Court: provided that, in case of an appellate or revisional decree or order passed by the Court of the Judicial Commissioner, the communication shall be made by the Court from which the appeal lay or the record was called for.

(4) In this section—

(a) “Suit” means a suit to which the provisions of the Code of Civil Procedure, 1908, apply;

(b) “Application” means an application—

(i) for the execution of a decree or order in a suit;

(ii) for the filing of an agreement stating a case for the opinion of the Court under the Code of Civil Procedure, 1908;

(iii) for the filing of an agreement to refer to arbitration under paragraph 17 of the second Schedule to the said Code;

(iv) for the filing of an award under paragraph 20 of the said Schedule;

(v) of any other kind to which the Chief Commissioner may, by notification in the official Gazette, direct that this section shall apply;

(c) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land;

(d) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

96-I. An entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

Presumption of correctness of entries in record of rights and register of mutations.

96-J. No entry or entries made in the record of rights or register of mutations shall affect the liability of any person to pay the land revenue of alienated or unalienated land under the provisions of this Code or other law for the time being in force relating to the recovery of land revenue.

96-K. The Deputy Commissioner shall at any time correct, or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the record of rights.

96-L. No suit shall lie against the Secretary of State or Government or any officer of Government in respect of a claim to have an entry made in any record or register that is maintained under this chapter, or to have any such entry omitted or amended.

*The 29th October, 1912.*

No. 2968-Est.-B.—Lieutenant A. F. Cole, R.A., is appointed Assistant Inspecting Officer, Kashmir Imperial Service Artillery, with effect from the 12th October, 1912.

*The 30th October, 1912.*

No. 2974-Est.-A.—Captain R. J. W. Heale, of the Political Department is posted as Assistant Commissioner, Nowshera Sub-Division, with effect from the 11th October, 1912.

No. 2975-Est.-A.—Captain C. E. Bruce, of the Political Department, is granted privilege leave for one month and twenty-one days and furlough in continuation for ten months and nine days, under Articles 233 and 308 (b) of the Civil Service Regulations, with effect from the 24th October, 1912.

No. 2976-Est.-A.—Captain C. G. Crosthwaite, of the Political Department, is posted, on return from leave, as District Judge, Peshawar, with effect from the 24th October, 1912.

No. 2980-Est.-A.—Mr. H. R. C. Dobbs, C.I.E., of the Political Department, on return from leave, is appointed temporarily to officiate as a Resident of the 2nd Class and is posted as Revenue and Judicial Commissioner, Baluchistan, with effect from the 15th October, 1912.

No. 2981-Est.-A.—The Hon'ble Lieutenant-Colonel J. Ramsay, C.S.I., C.I.E., a Resident of the 1st Class and Agent to the Governor-General and Chief Commissioner, Baluchistan, is granted privilege leave for six weeks, with effect from the 21st October, 1912.

No. 2982-Est.-A.—Lieutenant-Colonel C. Archer, C.S.I., C.I.E., a Resident of the 2nd Class, is appointed temporarily to officiate as a Resident of the 1st Class and Agent to the Governor General and Chief Commissioner, Baluchistan, with effect from the 21st October, 1912.

No. 2991-Est.-A.—The services of Mr. V. A. S. Stow, Indian Educational Service, are placed at the disposal of the Chief Commissioner, Central Provinces, with effect from the 25th August, 1912.

*The 31st October, 1912.*

No. 2996-Est.-B.—Major W. N. Hay, 129th Duke of Connaught's Own Baluchis, is appointed Commandant of the Zhob Levy Corps, with effect from the 29th September, 1912.

No. 3000-Est.-A.—Captain T. H. Keyes, of the Political Department, is appointed temporarily to be Under Secretary to the Government of India in the Foreign Department, with effect from the 30th October, 1912.

No. 3004-Est.-A.—Major S. B. A. Patterson, of the Political Department, is granted privilege leave for three months combined with furlough for nine months, with effect from the 30th October, 1912, under Articles 233 and 308 (b), Civil Service Regulations.

No. 3005-Est.-A.—Major H. B. St. John is re-appointed to the effective list of the Political Department and is posted as Assistant Secretary to the Government of India in the Foreign Department, with effect from the 30th October, 1912.

A. H. McMAHON,  
*Secretary to the Government of India.*

## FINANCE DEPARTMENT (MILITARY FINANCE).

### NOTIFICATIONS.

### LEAVE AND APPOINTMENTS.

*Simla, the 1st November, 1912.*

No. 1332-Accts.—The following reversion of an officiating Deputy Examiner, 2nd grade, Military Accounts Department, is made, with effect from the date specified:—

*From the 18th October 1912, consequent on the transfer of Mr. E. deSouza, Deputy Examiner, 2nd grade (temporary), to the Secunderabad Division.*

Mr. C. Rozier, officiating Deputy Examiner, 2nd grade, to revert to his own grade.

No. 1333-Accts.—The following reversions of Deputy Examiners of the Military Accounts Department, are made, with effect from the date specified:—

*From the 28th October 1912, the date of Mr. G. H. Cockman's return from combined leave.*

Deputy Commissary and Honorary Captain W. W. Laskey, officiating Deputy Examiner, 1st grade, to revert to Deputy Examiner, 2nd grade.

Mr. E. F. Gonsalves, officiating Deputy Examiner, 2nd grade, to revert to his own grade.

W. H. MICHAEL,  
*Offg. Joint Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 29th October, 1912.*

**No. 53.**—The services of Bawa Budh Singh, Assistant Engineer, Public Works Department, Punjab, Buildings and Roads Branch, are placed at the disposal of the Chief Commissioner of Delhi, with effect from the 1st October 1912.

**No. 54.**—Mr. C. A. White, Superintending Engineer, 1st class, Bihar and Orissa, is appointed to officiate as Chief Engineer and Secretary to the Government of Bihar and Orissa, Public Works Department, Irrigation Branch, with effect from the 21st October 1912.

*The 30th October, 1912.*

**No. 55.**—Mr. Bashiram Sahgal has been appointed an Assistant Engineer by His Majesty's Secretary of State for India, and is posted to the Punjab, Buildings and Roads Branch.

*The 31st October, 1912.*

**No. 56.**—In supersession of Public Works Department Notification No. 45, dated the 11th September 1912, Major H. W. Rushton, R. E., Superintending Engineer, 3rd class, Assam, is appointed to officiate as Chief Engineer and Secretary in the Public Works Department, Assam, in addition to his own duties with effect from the 7th August 1912, during the absence on privilege leave of Mr. W. McM. Sweet.

**No. 57.**—The services of Lieutenant C. D. W. Bamberger, R. E., Assistant Engineer, United Provinces, are placed temporarily at the disposal of His Excellency the Commander-in-Chief.

W. B. GORDON,

*Secretary to the Government of India.*

## DEPARTMENT OF COMMERCE AND INDUSTRY.

## NOTIFICATION.

## TELEGRAPHS.

*Simla, the 2nd November, 1912.*

**No. 8167-174.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that Karachi shall be included among the coast stations to which the rules for the exchange by radio-Telegraph of public correspondence between ships at sea and coast stations now apply, and which were published with the Notifications of the Government of India in the Department of Commerce and Industry, Nos. 7571-163 and 7532-13, dated respectively, the 8th October 1909 and 22nd October 1910.

R. E. ENTHOVEN,

*Secretary to the Government of India.*

## DEPARTMENT OF EDUCATION.

## NOTIFICATION.

*Simla, the 1st November 1912.*

**No. 65 Books.**—The following orders of the King's Most Excellent Majesty in Council published in the London Gazette of the 28th June 1912, are republished for general information:—

*At the Court at Buckingham Palace, the 24th day of June, 1912.*

PRESENT,

The KING'S Most Excellent Majesty in Council.

WHEREAS on the 24th day of April, 1893, a Convention, set out in the First Schedule to this Order, with respect to the protection to be given by way of copyright to the authors of literary and artistic works was concluded between Her late Majesty Queen

Victoria and His Majesty the Emperor of Austria, King of Bohemia and Apostolic King of Hungary, and the ratifications of the said Convention were exchanged on the 14th day of April, 1894, between Her late Majesty Queen Victoria and His Majesty the Emperor:

And whereas by the Orders in Council mentioned in the Second Schedule to this Order and made under the authority of the International Copyright Acts, 1844 to 1886, effect was given to the said Convention throughout His Majesty's dominions except in the Dominion of Canada, the Cape, New South Wales and Tasmania:

And whereas by the Copyright Act, 1911, the said International Copyright Acts, 1844 to 1886, are repealed, as from the date of the commencement of the said Copyright Act, 1911, in the parts of His Majesty's dominions to which the said Act extends:

And whereas by the said Copyright Act, 1911, authority is conferred upon His Majesty to extend by Order in Council the protection of the said Act to certain classes of foreign works within any part of His Majesty's dominions, other than self-governing dominions, to which the said Act extends:

And whereas it is expedient to continue the protection granted by the Orders in Council mentioned in the Second Schedule to this Order:

NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon Him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered as follows:—

(1) The Copyright Act, 1911, including the provisions as to existing works, shall subject to the provisions of the said Act and of this Order apply—

- (a) To works first published in the Austro-Hungarian Monarchy in like manner as if they had been first published within the parts of His Majesty's dominions to which the said Act extends;
- (b) To literary, dramatic, musical and artistic works, the authors whereof were at the time of the making of the work subjects of the Austro-Hungarian Monarchy in like manner as if the authors had been British subjects;
- (c) In respect of residence in the Austro-Hungarian Monarchy in like manner as if such residence had been residence in the parts of His Majesty's dominions to which the said Act extends.

Provided that—

(i) The term of copyright within the parts of His Majesty's dominions to which this Order applies shall not exceed that conferred by the law of the Austro-Hungarian Monarchy;

(ii) The enjoyment of the rights conferred by the Copyright Act, 1911, shall be subject to the accomplishment of the following conditions and formalities, that is to say:—

(a) In the case of any literary or dramatic work the right after the expiration of 10 years from the end of the year in which the work or in the case of a book published in numbers each number of the work was first published to prevent the production reproduction performance in public or publication of any English translation of the work shall be conditional upon the publication before the expiration of the above-mentioned period of an authorized English translation of the work or of each number of the work;

(b) In the case of any work first published in the Austro-Hungarian Monarchy the entire rights conferred by the Copyright Act, 1911, shall be conditional upon the accomplishment of the conditions and formalities prescribed by law in that part of the Monarchy in which the work was first published.

(2) In the case of any musical work to which this Order applies and which has been published before the commencement of the Copyright Act, 1911, copyright in the work shall include all rights conferred by the said Act with respect to the making of records, perforated rolls, and other contrivances by means of which the work may be mechanically performed.

(3) This Order shall apply to all His Majesty's dominions, colonies, and possessions, excepting to those hereinafter mentioned; that is to say, except to:—

The Dominion of Canada,  
The Commonwealth of Australia,  
The Dominion of New Zealand,  
The Union of South Africa,  
Newfoundland.

(4) The Orders mentioned in the Second Schedule to this Order are hereby revoked as from the date of the commencement of the Copyright Act, 1911, so far as regards the parts of His Majesty's dominions to which this Order applies.

Provided that neither such revocation nor anything else in this Order shall prejudicially affect any right acquired or accrued before the commencement of this Order by virtue of any Order hereby revoked, and any person entitled to such right shall continue entitled thereto, and to the remedies for the same, in like manner as if this Order had not been made.

(5) This Order shall be construed as if it formed part of the Copyright Act, 1911.

(6) This Order shall come into operation in the United Kingdom on the first day of July 1912 and in any other part of His Majesty's dominions to which this Order applies, on the day on which the Copyright Act, 1911, comes into operation in such part; which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

*Almeric FitzRoy.*

## FIRST SCHEDULE.

### CONVENTION.

CONVENTION for securing the rights of authors, or their legal representatives, over their literary or artistic works; made on the 24th day of April, 1893, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary.

[The following is the English text of the Convention, omitting the formal beginning and end.]

### ARTICLE I.

Authors of literary or artistic works and their legal representatives, including publishers, shall enjoy reciprocally in the dominions of the high contracting parties, the advantages which are or may be granted by law there for the protection of works of literature or art.

Consequently, authors of literary or artistic works which have been first published in the dominions of one of the high contracting parties, as well as their legal representatives, shall have in the dominions of the other high contracting party the same protection and the same legal remedy against all infringement of their rights as if the work had been first published in the country where the infringement may have taken place.

In the same manner, the authors of literary or artistic works, and their legal representatives, who are subjects of one of the high contracting parties, or who reside within its dominions, shall in the dominions of the other contracting party enjoy the same protection and the same legal remedies against all infringements of their rights as though they were subjects of or residents in the State in which the infringement may have taken place.

These advantages shall only be reciprocally guaranteed to authors and their legal representatives when the work in question is also protected by the laws of the State where the work was first published, and the duration of protection in the other country shall not exceed that which is granted to authors and their legal representatives in the country where the work was first published.

### ARTICLE II.

The right of translation forming part of the copyright, the protection of the right of translation is assured under the conditions laid down by this convention. If ten years after the expiry of the year in which a work to be protected in Her Majesty's dominions on the basis of this convention has appeared, no translation in English has been published, the right of translating the work into English shall no longer within those dominions exclusively belong to the author.

In the case of a book published in numbers, the aforesaid period of ten years shall commence at the end of the year in which each number is published.

### ARTICLE III.

Authorized translations are protected as original works. They consequently enjoy the full protection granted by this convention against the unauthorized reproduction of original works.

It is understood that in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

## ARTICLE IV.

The expression "Literary or artistic works" comprehends books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions with or without words; works of design, painting, sculpture, and engraving, lithographs, illustrations, geographical charts, plans, sketches, and plastic works relating to geography, topography, architecture or science, in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

## ARTICLE V.

In the British Empire, and in the Kingdoms and States represented in the Austrian Reichsrath, the enjoyment of the rights secured by the present convention is subject only to the accomplishment of the conditions and formalities prescribed by the law of that State in which the work is first published; and no further formalities or conditions shall be required in the other country.

Consequently, it shall not be necessary that a work which has obtained legal protection in one country should be registered, or copies thereof deposited in the other country, in order that the remedies against infringement may be obtained which are granted in the other country to works first published there.

In the dominions of the Hungarian Crown the enjoyment of these rights is subject, however, to the accomplishment of the conditions and formalities prescribed by the laws and regulations both of Great Britain and of Hungary.

## ARTICLE VI.

In order that the authors of works protected by the present convention shall, in the absence of proof to the contrary, be considered as such, and be, consequently, admitted to institute proceedings in respect of the infringement of copyright before the Courts of the other State, it will suffice that their name be indicated on the work in the accustomed manner.

The Tribunals may, however, in cases of doubt, require the production of such further evidence as may be required by the laws of the respective countries.

For anonymous or pseudonymous works, the publisher whose name is indicated on the work is entitled to protect the rights belonging to the author. He is, without other proof, reputed the legal representative of the anonymous or pseudonymous author, until the latter or his legal representative has declared and proved his rights.

## ARTICLE VII.

The provisions of the present convention cannot in any way derogate from the right of each of the high contracting parties to control, or to prohibit by measures of domestic legislation or police, the circulation, representation, exhibition, or sale of any work or production.

Each of the high contracting parties reserves also its right to prohibit the importation into its own territory of works which, according to its internal laws, or to the stipulations of treaties with other States, are or may be declared to be illicit reproductions.

## ARTICLE VIII.

The provisions of the present convention shall be applied to literature or artistic works produced prior to the date of its coming into effect, subject, however, to the limitations prescribed by the following regulations:—

## (a) In the Austro-Hungarian Monarchy—

Copies completed before the coming into force of the present convention, the production of which has been hitherto allowed, can also be circulated in future. \*

In the same manner, appliances for the reproduction of works, such as stereotypes, wood-blocks, and engraved plates of every description, such as lithographers' stones, if their production has not hitherto been prohibited, may continue to be used during a period of four years from the coming into force of the present convention.

The distribution of such copies, and the use of the said appliances is, however, only permitted if an inventory of the said copies and appliances is taken by the government in question, in consequence of an application of the interested party, within three months from the coming into force of the present convention, and if these copies and appliances are marked with a special stamp.

Dramatic and dramatico-musical works, or musical compositions legally performed before the coming into force of the present convention, can also be performed in the future.

(b) In the United Kingdom of Great Britain and Ireland—

The author and publisher of any literary or artistic work first produced before the date at which this convention comes into effect shall be entitled to all legal remedies against infringement; provided that where any person has, before the date of the publication of the Order in Council putting this convention into effect, lawfully produced any work in the United Kingdom any rights or interests arising from or in connexion with such production, which are subsisting and valuable at the said date, shall not be diminished or prejudiced.

ARTICLE IX.

The provisions of the present convention shall apply to all the colonies and foreign possessions of Her Britannic Majesty, excepting to those herein-after named; that is to say, except to—

India.	Victoria.
The Dominion of Canada.	Queensland.
Newfoundland.	Tasmania.
The Cape.	South Australia.
Natal.	Western Australia.
New South Wales.	New Zealand.

Provided always that the provisions of the present conventions shall apply to any of the above-named colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representative at the Court of His Imperial and Royal Apostolic Majesty within two years from the date of the exchange of ratifications of the present convention.

ARTICLE X.

The present convention shall remain in force for ten years from the day on which the ratifications are exchanged; and in case neither of the two high contracting parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present convention, it shall remain in force until the expiration of one year from the day on which either of the high contracting parties shall have given such notice.

Her Britannic Majesty's Government shall also have the right to denounce the convention in the same manner, on behalf of any of the colonies or foreign possessions mentioned in Article IX separately.

ARTICLE XI.

The present convention shall be ratified, and the ratifications shall be exchanged at Vienna as soon as possible. It shall come into effect ten days after its publication in conformity with the forms prescribed by the laws of the high contracting parties respectively.

SECOND SCHEDULE.

Orders in Council, of the dates named below, for securing the privileges of copyright in His Majesty's Dominions to authors of literary and artistic works first produced in the Austro-Hungarian Monarchy, namely :—

April 30th, 1894.

February 2nd, 1895.

May 11th, 1895.

*At the Court at Buckingham Palace, the 24th day of June, 1912.*

PRESENT,

The KING'S Most Excellent Majesty in Council.

Whereas on the 9th day of September, 1886, a Convention with respect to the protection to be given by way of copyright to the authors of literary and artistic works (hereinafter called the Berne Convention) set out in the Second Schedule to this Order was concluded between Her late Majesty Queen Victoria and the foreign countries following, that is to say:—Belgium, France, Germany, Hayti, Italy, Spain, Switzerland and Tunis, and on the 5th day of September, 1887, the ratifications of the said Berne Convention were duly exchanged between Her late Majesty Queen Victoria and the aforesaid countries:

And whereas subsequently the foreign countries following, namely, Luxemburg, Monaco, Montenegro, Norway and Sweden, acceded to the said Berne Convention:

And whereas an additional Act to the said Berne Convention (hereinafter called the Additional Act) set out in the Third Schedule to this Order was agreed upon between Her late Majesty Queen Victoria and the foreign countries following, namely, Belgium, France, Germany, Italy, Luxemburg, Monaco, Montenegro, Spain, Switzerland and Tunis, for the purpose of varying the provisions of the said Berne Convention, and the ratifications of the said Additional Act were, on the 9th day of September, 1887, exchanged between Her late Majesty Queen Victoria and the aforesaid countries:

And whereas subsequently the Republic of Hayti acceded to the said Additional Act, and the foreign countries following, namely, Denmark and the Faroe Islands, the German Protectorates, Japan and Liberia, acceded to the said Berne Convention and the said Additional Act, and the Principality of Montenegro duly denounced the said Berne Convention and the said Additional Act:

And whereas by the Orders in Council mentioned in the Fifth Schedule to this Order and made under the authority of the International Copyright Acts, 1844 to 1886, effect is now given throughout His Majesty's dominions to the said Berne Convention and the said Additional Act:

And whereas a Convention (hereinafter called the Berlin Convention) set out in the First Schedule to this Order was on the 13th day of November, 1908, agreed upon between His late Majesty King Edward VII, and the foreign countries following, namely: Belgium, Denmark, France, Germany, Italy, Japan, Liberia, Luxemburg, Monaco, Norway, Spain, Sweden, Switzerland and Tunis, for the purpose of replacing the said Berne Convention and the said Additional Act:

And whereas it is provided by the said Berlin Convention that the contracting States may make reservations by declaring at the exchange of ratifications that they desire to remain bound, as regards any specific point by the provisions of the said Berne Convention and the said Additional Act, and it is further provided by the said Berlin Convention that the said Berne Convention and the said Additional Act shall remain in force in regard to relations with contracting States which do not ratify the said Berlin Convention:

And whereas the said Berlin Convention was ratified by His Majesty on the 14th day of June, 1912, subject to the reservation mentioned in Part I of the Fourth Schedule to this Order:

And whereas the said Berlin Convention has also been ratified by the foreign countries following, namely, Belgium, France, Germany, Hayti, Japan, Liberia, Luxemburg, Monaco, Norway, Spain, Switzerland and Tunis, subject to the reservations mentioned in Part II of the Fourth Schedule to this Order:

And whereas the Republic of Portugal has acceded to the said Berlin Convention:

And whereas by the Copyright Act, 1911, the aforesaid International Copyright Acts, 1844 to 1886, are repealed, as from the commencement of the said Copyright Act, 1911, in the parts of His Majesty's dominions to which the said Act extends:

And whereas by the said Copyright Act, 1911, authority is conferred upon His Majesty to extend by Order in Council the protection of the said Act to certain classes of foreign works within any part of His Majesty's dominions, other than self-governing dominions, to which the said Act extends:

Now, THEREFORE, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon Him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered as follows:—

(1) This Order shall extend to the foreign countries following, namely, Belgium, Denmark and the Faroe Islands, France, Germany and the German Protectorates, Hayti,

Italy, Japan, Liberia, Luxemburg, Monaco, Norway, Portugal, Spain, Sweden, Switzerland and Tunis. And the above countries are in this Order referred to as the foreign countries of the Copyright Union.

(2) The Copyright Act, 1911, including the provisions as to existing works, shall subject to the provisions of the said Act and of this Order apply—

- (a) to works first published in a foreign country of the Copyright Union, in like manner as if they had been first published within the parts of His Majesty's dominions to which the said Act extends:
- (b) to literary, dramatic, musical and artistic works, the authors whereof were at the time of the making of the works subjects or citizens of a foreign country of the Copyright Union, in like manner as if the authors had been British subjects:
- (c) in respect of residence in a foreign country of the Copyright Union, in like manner as if such residence had been residence in the parts of His Majesty's dominions to which the said Act extends.

Provided that—

- (i) Section 1 (2) (d) and 19 of the Copyright Act, 1911, and such other part or parts thereof as confer upon the owner of the copyright in a literary, dramatic or musical work the exclusive right of making any record perforated roll cinematograph film or other contrivance by means of which the work may be mechanically performed and such other part or parts thereof as confer copyright in any record or perforated roll shall not apply in the case of any work of which the country of origin is Denmark, Italy, or Sweden.
- (ii) The term of copyright within the parts of His Majesty's dominions to which this Order applies shall not exceed that conferred by the law of the country of origin of the work.
- (iii) The enjoyment of the rights conferred by the Copyright Act, 1911, shall be subject to the accomplishment of the following conditions and formalities, that is to say:—
  - (a) In the case of any newspaper article (not being a serial story or tale) of which the country of origin is one of the foreign countries following, namely, Belgium, France, Germany, and the German Protectorates, Hayti, Liberia, Luxemburg, Monaco, Portugal, Spain, Switzerland and Tunis, the right to prevent the reproduction of such article (either in the original language or in a translation) in another newspaper with an indication of the source shall be conditional upon reproduction being forbidden by express declaration in some conspicuous part of the newspaper in which the article is published.
  - (b) In the case of any newspaper or magazine article (not being a serial story or tale) of which the country of origin is Denmark, Italy, Norway or Sweden, the right to prevent the reproduction of such article (either in the original language or in a translation) with an indication of the source shall be conditional upon reproduction being forbidden by express declaration in some conspicuous part of the newspaper or magazine in which the article is published.
  - (c) In the case of any literary or dramatic work of which the country of origin is Denmark, Italy, Japan, or Sweden the right after the expiration of ten years from the end of the year in which the work or in the case of a book published in numbers each number of the work was first published, to prevent the production, reproduction, performance in public or publication of any translation of the work shall be conditional upon the publication before the expiration of the above-mentioned period and within the parts of His Majesty's dominions to which this Order applies or within any foreign country of the Copyright Union of an authorized translation in the language for which protection is claimed of the work or of each number of the work.
  - (d) In the case of any published musical work of which the country of origin is Denmark, Italy, Japan or Sweden the right to prevent performance in public shall be conditional upon performance in public being forbidden by an express declaration on the title-page or commencement of the work.
  - (e) In the case of any work of which the country of origin is Denmark, Italy or Sweden the entire rights conferred by the Copyright Act, 1911, shall be conditional upon the accomplishment of the conditions and formalities prescribed by law in the country of origin.

(iv) Nothing in the provisions of the Copyright Act, 1911, as applied to existing works, shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of Section 5 of the International Copyright Act, 1886.

(3) Subject to the provisions of Article (2) proviso (i) of this order where any musical work to which this Order applies has been published before the commencement of the Copyright Act, 1911, but no contrivances by means of which the work may be mechanically performed have before the commencement of this Order been lawfully made, or placed on sale, within the parts of His Majesty's dominions to which this Order applies, copyright in the work shall include all rights conferred by the said Act with respect to the making of records, perforated rolls and other contrivances by means of which the work may be mechanically performed.

(4) In this Order the expression "the country of origin" as applied to a work has the same meaning as in the third paragraph of Article 4 of the Berlin Convention.

(5)—(a) This Order shall apply to all His Majesty's dominions, colonies, and possessions, excepting to those hereinafter named, that is to say, except to the—

Dominion of Canada,  
The Commonwealth of Australia,  
The Dominion of New Zealand,  
The Union of South Africa,  
Newfoundland.

(b) This Order shall also apply to Cyprus, and to the following territories under His Majesty's protection, that is to say,—the Bechuanaland Protectorate, East Africa Protectorate, Gambia Protectorate, Gilbert and Ellice Islands Protectorate, Northern Nigeria Protectorate, Northern Territories of the Gold Coast, Nyasaland Protectorate, Northern Rhodesia, Southern Rhodesia, Sierra Leone Protectorate, Somaliland Protectorate, Southern Nigeria Protectorate, Solomon Islands Protectorate, Swaziland, Uganda Protectorate and Weihaiwei.

(6) The Orders mentioned in the Fifth Schedule to this Order are hereby revoked, as from the date of the commencement of this Order, so far as regards the parts of His Majesty's dominions to which this Order applies:

Provided that neither such revocation nor anything else in this Order shall prejudicially affect any right acquired or accrued before the commencement of this Order by virtue of any Order hereby revoked, and any person entitled to such right shall continue entitled thereto, and to the remedies for the same, in like manner as if this Order had not been made.

(7) This Order shall be construed as if it formed part of the Copyright Act, 1911.

(8) This Order shall come into operation in the United Kingdom on the 1st day of July, 1912, and in any other part of His Majesty's dominions to which this Order applies, on the day on which the Copyright Act, 1911, comes into operation in such part; which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

Almeric FitzRoy.

## FIRST SCHEDULE.

### BERLIN CONVENTION.

CONVENTION for the purpose of revising the Convention of Berne of the 9th September, 1886, the Additional Article and the Final Protocol attached to the same Convention and the Additional Act and the Interpretative Declaration of Paris of the 4th May, 1896; made on the 13th day of November, 1908, between His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the German Emperor, King of Prussia; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the Republic of Liberia; His Royal Highness the Grand Duke of Luxemburg, Duke of

Nassau; His Serene Highness the Prince of Monaco; His Majesty the King of Norway; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; His Highness the Bey of Tunis.

[The following is an English translation of the Convention, with the omission of the formal beginning and end.]

#### Article 1.

The Contracting States are constituted into a Union for the protection of the rights of authors over their literary and artistic works.

#### ARTICLE 2.

The expression "literary and artistic works" shall include any production in the literary, scientific or artistic domain, whatever may be the mode or form of its reproduction, such as books, pamphlets, and other writings; dramatic or dramatico-musical works, choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise; musical compositions with or without words; works of drawing, painting, architecture, sculpture, engraving and lithography; illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture or science.

Translations, adaptations, arrangements of music and other reproductions in an altered form of a literary or artistic work as well as collections of different works, shall be protected as original works without prejudice to the rights of the author of the original work.

The contracting countries shall be bound to make provision for the protection of the above-mentioned works.

Works of art applied to industrial purposes shall be protected so far as the domestic legislation of each country allows.

#### ARTICLE 3.

The present Convention shall apply to photographic works and to works produced by a process analogous to photography. The contracting countries shall be bound to make provision for their protection.

#### ARTICLE 4.

Authors who are subjects or citizens of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which the respective laws do now or may hereafter grant to natives as well as the rights specially granted by the present Convention.

The enjoyment and the exercise of these rights shall not be subject to the performance of any formality; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work. Consequently, apart from the express stipulations of the present Convention, the extent of protection, as well as the means of redress secured to the author to safeguard his rights, shall be governed exclusively by the laws of the country where protection is claimed.

The country of origin of the work shall be considered to be: in the case of unpublished works, the country to which the author belongs; in the case of published works, the country of first publication; and in the case of works published simultaneously in several countries of the Union, the country the laws of which grant the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin.

By published works must be understood, for the purposes of the present Convention, works copies of which have been issued to the public. The representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, and the construction of a work of architecture shall not constitute a publication.

#### ARTICLE 5.

Authors being subjects or citizens of one of the countries of the Union who first publish their works in another country of the Union shall have in the latter country the same rights as native authors.

#### ARTICLE 6.

Authors not being subjects or citizens of one of the countries of the Union, who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by the present Convention.

## ARTICLE 7.

The term of protection granted by the present Convention shall include the life of the author and fifty years after his death.

Nevertheless, in case such term of protection should not be uniformly adopted by all the countries of the Union, the term shall be regulated by the law of the country where protection is claimed, and must not exceed the term fixed in the country of origin of the work. Consequently the contracting countries shall only be bound to apply the provisions of the preceding paragraph in so far as such provisions are consistent with their domestic laws.

For photographic works and works produced by a process analogous to photography, for posthumous works, for anonymous or pseudonymous works, the term of protection shall be regulated by the law of the country where protection is claimed, provided that the said term shall not exceed the term fixed in the country of origin of the work.

## ARTICLE 8.

The authors of unpublished works, being subjects or citizens of one of the countries of the Union, and the authors of works first published in one of those countries shall enjoy, in the other countries of the Union, during the whole term of the right in the original work, the exclusive right of making or authorizing a translation of their work.

## ARTICLE 9.

Serial stories, tales, and all other works, whether literary, scientific, or artistic, whatever their object, published in the newspapers or periodicals of one of the countries of the Union may not be reproduced in the other countries without the consent of the authors.

With the exception of serial stories and tales, any newspaper article may be reproduced by another newspaper unless the reproduction thereof is expressly forbidden. Nevertheless, the source must be indicated; the legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

The protection of the present Convention shall not apply to news of the day or to miscellaneous information which is simply of the nature of items of news.

## ARTICLE 10.

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational purposes, or having a scientific character, or for chrestomathies, the effect of the legislation of the countries of the Union and of special arrangements existing or to be concluded between them is not affected by the present Convention.

## ARTICLE 11.

The stipulations of the present Convention shall apply to the public representation of dramatic or dramatico-musical works, and to the public performance of musical works whether such works be published or not.

Authors of dramatic or dramatico-musical works shall be protected during the existence of their right over the original work against the unauthorized public representation of translations of their works.

In order to enjoy the protection of the present Article, Authors shall not be bound in publishing their works to forbid the public representation or performance thereof.

## ARTICLE 12.

The following shall be specially included among the unlawful reproductions to which the present Convention applies: Unauthorized indirect appropriations of a literary or artistic work, such as adaptations, musical arrangements, transformations of a novel, tale, or piece of poetry into a dramatic piece and *vice versa*, etc., when they are only the reproduction of that work, in the same form or in another form without essential alterations, additions, or abridgments, and do not present the character of a new original work.

## ARTICLE 13.

The authors of musical works shall have the exclusive right of authorizing (1) the adaptation of those works to instruments which can reproduce them mechanically; (2) the public performance of the said works by means of these instruments.

Reservations and conditions relating to the application of this Article may be determined by the domestic legislation of each country in so far as it is concerned; but the effect of any such reservations and conditions will be strictly limited to the country which has put them in force.

The provisions of paragraph 1 shall not be retroactive, and consequently shall not be applicable in any country of the Union to works which have been lawfully adapted in that country to mechanical instruments before the coming into force of the present Convention.

Adaptations made in virtue of paragraphs 2 and 3 of the present Article, and imported without the authority of the interested parties into a country where they would not be lawful, shall be liable to seizure in that country.

#### ARTICLE 14.

Authors of literary, scientific or artistic works shall have the exclusive right of authorizing the reproduction and public representation of their works by cinematography.

Cinematograph productions shall be protected as literary or artistic works, if, by the arrangement of the acting form or the combinations of the incidents represented, the author has given the work a personal and original character.

Without prejudice to the rights of the author of the original work the reproduction by cinematography of a literary, scientific or artistic work shall be protected as an original work.

The above provisions apply to reproduction or production effected by any other process analogous to cinematography.

#### ARTICLE 15.

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the Courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

For anonymous or pseudonymous works the publisher, whose name is indicated on the work, shall be entitled to protect the rights belonging to the author. He shall be, without other proof, deemed to be the legal representative of the anonymous or pseudonymous author.

#### ARTICLE 16.

Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

In such a country the seizure may also apply to reproductions imported from a country where the work is not protected, or has ceased to be protected.

The seizure shall take place in accordance with the domestic legislation of each country.

#### ARTICLE 17.

The provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

#### ARTICLE 18.

The present Convention shall apply to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin through the expiration of the term of protection.

If, however, through the expiration of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew in that country.

The application of this principle shall take effect according to the stipulations contained in special Conventions existing, or to be concluded, to that effect between countries of the Union. In the absence of such stipulations, the respective countries shall regulate, each in so far as it is concerned, the manner in which the said principle is to be applied.

The above provisions shall apply equally in case of new accessions to the Union, and also in the event of the term of protection being extended by the application of Article 7.

## ARTICLE 19.

The provisions of the present Convention shall not prevent a claim being made for the application of any wider provisions which may be made by the legislation of a country of the union in favour of foreigners in general.

## ARTICLE 20.

The Governments of the countries of the Union reserve to themselves the right to enter into special arrangements between each other, provided always that such arrangements confer upon authors more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention. The provisions of existing arrangements which answer to the above-mentioned conditions shall remain applicable.

## ARTICLE 21.

The International Office established under the name of the "Office of the International Union for the Protection of Literary and Artistic Works" shall be maintained.

That Office is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its working.

The official language of the Office shall be French.

## ARTICLE 22.

The International Office collects every kind of information relative to the protection of the rights of authors over their literary and artistic works. It arranges and publishes such information. It undertakes the study of questions of general interest concerning the Union, and by the aid of documents placed at its disposal by the different Administrations, edits a periodical publication in the French language on the questions which concern the objects of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize by common accord the publication by the Office of an edition in one or more other languages, if experience should show this to be requisite.

The International Office will always hold itself at the disposal of members of the Union with the view to furnish them with any special information which they may require relative to the protection of literary and artistic works.

The Director of the International Office shall make an annual Report on his Administration, which shall be communicated to all the members of the Union.

## ARTICLE 23.

The expenses of the Office of the International Union shall be shared by the contracting States. Until a fresh arrangement be made they cannot exceed the sum of 60,000 francs a year. This sum may be increased, if necessary, by the simple decision of one of the Conferences provided for in Article 24.

The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding countries into six classes, each of which shall contribute in the proportion of a certain number of units, *vis.:*—

1st class	...	...	...	...	25 units
2nd "	...	...	...	...	20 "
3rd "	...	...	...	...	15 "
4th "	...	...	...	...	10 "
5th "	...	...	...	...	5 "
6th "	...	...	...	...	3 "

These coefficients are multiplied by the number of countries of each class, and the total product thus obtained gives the number of units by which the total expense is to be divided. The quotient gives the amount of the unit of expense.

Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration prepares the Budget of the Office, superintends its expenditure, makes the necessary advances, and draws up the annual account which shall be communicated to all the other Administrations.

## ARTICLE 24.

The present Convention may be submitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Questions of this kind, as well as those which are of interest to the Union in other respects, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries. The Administration of the country where a Conference is to meet prepares, with the assistance of the International Office, the programme of the Conference. The Director of the Office shall attend at the sittings of the Conferences, and shall take part in the discussions without the right to vote.

No alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

## ARTICLE 25.

States outside the Union which make provision for the legal protection of the rights forming the object of the present Convention may accede thereto on request to that effect.

Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention. It may, nevertheless, contain an indication of the provisions of the Convention of the 9th September, 1886, or of the Additional Act of the 4th May, 1896, which they may judge necessary to substitute, provisionally at least, for the corresponding provisions of the present Convention.

## ARTICLE 26.

Contracting countries shall have the right to accede to the present Convention at any time for their Colonies or foreign possessions.

They may do this either by a general Declaration comprising in the accession all their Colonies or possessions, or by specially naming those comprised therein, or by simply indicating those which are excluded.

Such Declaration shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

## ARTICLE 27.

The present Convention shall replace, in regard to the relations between the Contracting States, the Convention of Berne of the 9th September, 1886, including the Additional Article and the Final Protocol of the same date, as well as the Additional Act and the Interpretative Declaration of the 4th May, 1896. These instruments shall remain in force in regard to relations with States which do not ratify the present Convention.

The Signatory States of the present Convention may declare at the exchange of ratifications that they desire to remain bound, as regards any specific point, by the provisions of the Conventions which they have previously signed.

## ARTICLE 28.

The present Convention shall be ratified, and the ratifications exchanged at Berlin not later than the 1st July, 1910.

Each Contracting Party shall, as regards the exchange of ratifications, deliver a single instrument, which shall be deposited with those of the other countries in the archives of the Government of the Swiss Confederation. Each Party shall receive in return a copy of the *procès-verbal* of the exchange of ratifications signed by the Plenipotentiaries who took part.

## ARTICLE 29.

The present Convention shall be put in force three months after the exchange of ratifications, and shall remain in force for an indefinite period until the termination of a year from the day on which it may have been denounced.

Such denunciation shall be made to the Government of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.

## ARTICLE 30.

The States which shall introduce in their legislation the duration of protection for fifty years contemplated by Article 7, first paragraph, of the present Convention, shall give notice thereof in writing to the Government of the Swiss Confederation, who will communicate it at once to all the other States of the Union.

The same procedure shall be followed in the case of the States renouncing the reservations made by them in virtue of Articles 25, 26, and 27.

## SECOND SCHEDULE.

## BERNE CONVENTION.

Convention for protecting effectively and in as uniform a manner as possible, the rights of authors over their literary and artistic works. Made on the fifth day of September, 1887, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the King of the Belgians; Her Majesty the Queen Regent of Spain, in the name of His Catholic Majesty the King of Spain; the President of the French Republic; the President of the Republic of Hayti; His Majesty the King of Italy; the Federal Council of the Swiss Confederation; His Highness the Bey of Tunis.

[The following is an English translation of the Convention, with the omission of the formal beginning and end.]

## ARTICLE I.

The Contracting States are constituted into a Union for the protection of the rights of authors over their literary and artistic works.

## ARTICLE II.

Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether published in one of those countries or unpublished, the rights which the respective laws do now or may hereafter grant to natives.

The enjoyment of these rights shall be subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work, and must not exceed in the other countries the term of protection granted in the said country of origin.

The country of origin of the work shall be considered to be that in which the work is first published, or if such publication takes place simultaneously in several countries of the Union, that one of them the laws of which grant the shortest term of protection.

For unpublished works the country to which the author belongs shall be considered to be the country of origin of the work.

## ARTICLE III.

The stipulations of the present Convention shall apply equally to the publishers of literary and artistic works published in one of the countries of the Union, but of which the authors belong to a country which is not a party to the Union.

## ARTICLE IV.

The expression "literary and artistic works" shall include books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions with or without words; works of drawing, painting, sculpture, and engraving; lithographs, illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture, or science in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

## ARTICLE V.

Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works until the expiration of ten years from the publication of the original work in one of the countries of the Union.

For works published in incomplete parts ("livraisons") the period of ten years shall commence from the date of publication of the last part of the original work.

For works composed of several volumes published at intervals, as well as for bulletins or collections ("cahiers") published by literary or scientific societies, or by private persons, each volume, bulletin, or collection shall be with regard to the period of ten years, considered as a separate work.

In the cases provided for by the present Article, and for the calculation of the terms of protection, the 31st December of the year in which the work was published shall be regarded as the date of publication.

#### ARTICLE VI.

Lawful translations shall be protected as original works. They shall consequently enjoy the protection stipulated in Articles II and III as regards their unauthorized reproduction in the countries of the Union.

It is understood that, in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

#### ARTICLE VII.

Articles from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation in the other countries of the Union, unless the authors or publishers have expressly forbidden it. For periodicals it shall be sufficient if the prohibition is indicated in general terms at the beginning of each number of the periodical.

This prohibition cannot in any case apply to articles of political discussion, or to the reproduction of news of the day or miscellaneous information.

#### ARTICLE VIII.

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational or scientific purposes, or for chrestomathies, the effect of the legislation of the countries of the Union, and of special arrangements existing or to be concluded between them is not affected by the present Convention.

#### ARTICLE IX.

The stipulations of Article II shall apply to the public representation of dramatic or dramatico-musical works, whether such works be published or not.

Authors of dramatic or dramatico-musical works, or their lawful representatives, shall be, during the existence of their exclusive right of translation, equally protected against the unauthorized public representation of translations of their works.

The stipulations of Article II shall apply equally to the public performance of unpublished musical works, or of published works in which the author has expressly declared on the title page or commencement of the work that he forbids the public performance thereof.

#### ARTICLE X.

The following shall be specially included amongst the illicit reproductions to which the present Convention applies: unauthorized indirect appropriations of a literary or artistic work, of various kinds, such as adaptations, musical arrangements, &c., when they are only the reproduction of a particular work, in the same form, or in another form, without essential alterations, additions, or abridgments, so as not to present the character of a new original work.

It is agreed that, in the application of the present Article, the tribunals of the various countries of the Union will, if there is occasion, conform themselves to the provisions of their respective laws.

#### ARTICLE XI.

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

For anonymous or pseudonymous works, the publisher whose name is indicated on the work shall be entitled to protect the rights belonging to the author. He shall be, without other proof, deemed to be the lawful representative of the anonymous or pseudonymous author.

It is, nevertheless, agreed that the tribunals may, if necessary, require the production of a certificate from the competent authority to the effect that the formalities prescribed by law in the country of origin have been accomplished, as contemplated in Article II.

#### ARTICLE XII.

Pirated works may be seized on importation into those countries of the Union where the original work enjoys legal protection.

The seizure shall take place in accordance with the domestic legislation of each country.

#### ARTICLE XIII.

It is understood that the provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

#### ARTICLE XIV.

Under the reserves and conditions to be determined by common agreement, the present Convention shall apply to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin.

#### ARTICLE XV.

It is understood that the Governments of the countries of the Union reserve to themselves respectively the right to enter into separate and particular arrangements between each other, provided always that such arrangements confer upon authors or their lawful representatives more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention.

#### ARTICLE XVI.

An International Office shall be established, under the name of "Office of the International Union for the protection of Literary and Artistic Works."

This office, of which the expenses will be borne by the Administrations of all the countries of the Union, shall be placed under the high authority of the Superior Administration of the Swiss Confederation, and shall work under its direction. The functions of this office shall be determined by common accord between the countries of the Union.

#### ARTICLE XVII.

The present Convention may be submitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Questions of this kind, as well as those which are of interest to the Union in other respects, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries.

It is understood that no alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

#### ARTICLE XVIII.

Countries which have not become parties to the present Convention, and which make provision by their domestic law for the protection of the rights forming the object of the present Convention, shall be admitted to accede thereto on request to that effect.

Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention.

## ARTICLE XIX.

Countries acceding to the present Convention shall also have the right to accede thereto at any time for their Colonies or foreign possessions.

They may do this either by a general Declaration comprising in the accession all their Colonies or possessions, or by specially naming those comprised therein, or by simply indicating those which are excluded.

## ARTICLE XX.

The present Convention shall be put in force three months after the exchange of ratifications, and shall remain in force for an indefinite period until the termination of a year from the day on which it may have been denounced.

Such denunciation shall be made to the Government authorized to receive accessions. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.

## ARTICLE XXI.

The present Convention shall be ratified, and the ratifications exchanged at Berne within the space of one year at the latest.

*Additional Article.*

The Convention concluded this day shall in no wise affect the maintenance of existing Conventions between the Contracting States, provided always that such Conventions confer on authors, or their lawful representatives, rights more extended than those secured by the Union, or contain other stipulations which are not contrary to this Convention.

*Final Protocol.*

1. As regards Article IV it is agreed that those countries of the Union where the character of artistic works is not refused to photographs, engage to admit them to the benefits of the Convention concluded to-day, from the date of its coming into force. They shall, however, not be bound to protect the authors of such works further than is permitted by their own legislation except in the case of international engagements already existing, or which may hereafter be entered into by them.

It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the said Convention, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private agreements between those who have legal rights.

2. As regards Article IX. it is agreed that those countries of the Union whose legislation implicitly includes choreographic works amongst dramatico-musical works expressly admit the former works to the benefits of the Convention concluded this day.

It is, however, understood that questions which may arise on the application of this clause shall rest within the competence of the respective tribunals to decide.

3. It is understood that the manufacture and sale of instruments for the mechanical reproduction of musical airs in which copyright subsists, shall not be considered as constituting an infringement of musical copyright.

4. The common agreement contemplated in Article XIV of the Convention is established as follows:—

The application of the Convention to works which have not fallen into the public domain at the time when it comes into force, shall take effect according to the stipulations on this head contained in special Conventions existing, or to be concluded, to that effect.

In the absence of such stipulations between any countries of the Union, the respective countries shall regulate, each in so far as it is concerned, by its domestic legislation, the manner in which the principle contained in Article XIV is to be applied.

5. The organisation of the International Office established in virtue of Article XVI of the Convention, shall be fixed by a regulation which shall be drawn up by the Government of the Swiss Confederation.

The official language of the International Office shall be French.

The International Office will collect every kind of information relative to the protection of the rights of authors over their literary and artistic works. It will arrange and publish such information. It will undertake the study of questions of general interest concerning the Union, and, by the aid of documents placed at its disposal by the different Administrations, will edit a periodical publication in the French language on the questions which concern the objects of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize, by common accord, the publication by the Office of an edition in one or more other languages if experience should show this to be requisite.

The International Office will always hold itself at the disposal of members of the Union with the view to furnish them with any special information they may require relative to the protection of literary and artistic works.

The Administration of the country where a Conference is to meet will prepare the programme of the Conference with the assistance of the International Office.

The Director of the International Office shall attend the sittings of the Conferences, and shall take part in the discussions without the right to vote. He shall make an annual report on his administration, which shall be communicated to all the members of the Union.

The expenses of the office of the International Union shall be shared by the contracting States. Until a fresh arrangement be made, they cannot exceed the sum of sixty thousand francs a year. This sum may be increased, if necessary, by the simple decision of one of the Conferences provided for in Article XVII.

The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding countries into six classes, each of which shall contribute in the proportion of a certain number of units, *viz* :—

	Units.						
First class	...	...	...	...	...	...	25
Second class	...	...	...	...	...	...	20
Third class	...	...	...	...	...	...	15
Fourth class	...	...	...	...	...	...	10
Fifth class	...	...	...	...	...	...	5
Sixth class	...	...	...	...	...	...	3

These co-efficients will be multiplied by the number of countries of each class and the total product thus obtained will give the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration will prepare the Budget of the office, superintend its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

6. The next Conference shall be held at Paris between four and six years from the date of the coming into force of the Convention.

The French Government will fix the date within these limits after having consulted the International Office.

7. It is agreed that, as regards the exchange of ratifications contemplated in Article XXI, each Contracting Party shall deliver a single instrument, which shall be deposited with those of the other countries, in the archives of the Government of the Swiss Confederation. Each Party shall receive in return a copy of the *procès-verbal* of the exchange of ratifications, signed by the Plenipotentiaries who took part.

The present Final Protocol, which shall be ratified with the Convention concluded this day, shall be considered as forming an integral part of the said Convention, and shall have the same force, effect, and duration.

### THIRD SCHEDULE.

#### ADDITIONAL ACT OF PARIS.

(The following is an English translation of the Additional Act with the omission of the formal beginning and end.)

#### ARTICLE I.

The International Convention of the 9th September, 1886, is modified as follows:—

1. Article II.—The first paragraph of Article II, shall run as follows:—

“ Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether unpublished, or first published in one of those countries, the rights which the respective laws do now or may hereafter grant to natives.”

A fifth paragraph is added in these terms:—

“ Posthumous works shall be included among those to be protected.”

2. Article III.—Article III shall run as follows:—

“ Authors not being subjects or citizens of one of the countries of the Union, who first publish or cause to be first published, their literary or artistic works in one of those countries, shall enjoy, in respect of such works, the protection granted by the Berne Convention, and by the present Additional Act.”

3. Article V.—The first paragraph of Article V shall run as follows:—

“ Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works during the entire term of their right over the original work. Nevertheless, the exclusive right of translation shall cease to exist if the author shall not have availed himself of it, during a term of ten years from the date of the first publication of the original work, by publishing or causing to be published in one of the countries of the Union, a translation in the language for which protection is to be claimed.”

4. Article VII.—Article VII shall run as follows:—

“ Serial stories, including tales, published in the newspapers or periodicals of one of the countries of the Union, may not be reproduced, in original or translation, in the other countries, without the sanction of the authors or of their lawful representatives.

“ This stipulation shall apply equally to other articles in newspapers or periodicals when the authors or editors shall have expressly declared in the newspaper or periodical itself in which they shall have been published that reproduction is forbidden. In the case of periodicals it shall be sufficient if such prohibition is indicated in general terms at the beginning of each number.

“ In the absence of prohibition, such articles may be reproduced on condition that the source is indicated.

“ The prohibition cannot in any case apply to articles of political discussion, to news of the day, or to miscellaneous information.”

5. Article XII.—Article XII shall run as follows:—

“ Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

“ The seizure shall take place in accordance with the domestic legislation of each country.”

6. Article XX.—The second paragraph of Article XX shall run as follows:—

“ Such denunciation shall be made to the Government of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.”

## ARTICLE II.

The Final Protocol annexed to the Convention of the 9th September, 1886, is modified as follows:—

1. No. 1.—This clause shall run as follows:—

“ As regards Article IV, it is agreed as follows:—

“ (A.) In countries of the Union where protection is accorded not only to architectural plans, but also to the architectural works themselves, these works shall be admitted to the benefits of the Berne Convention and of the present Additional Act.

“ (B.) Photographic works and works produced by an analogous process shall be admitted to the benefits of these engagements in so far as the domestic laws of each State may permit, and to the extent of the protection accorded by such laws to similar national works.

“ It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the Berne Convention and by the present Additional Act, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private agreements between those who have legal rights.”

2. No. 4.—This clause shall run as follows:—

“The common agreement contemplated in Article XIV of the Convention is established as follows:—

“The application of the Berne Convention and of the present Additional Act to works which have not fallen into the public domain within the country of origin at the time when these engagements come into force, shall take effect according to the stipulations on this head contained in special Conventions existing, or to be concluded, to this effect.

“In the absence of such stipulations between any of the countries of the Union, the respective countries shall regulate, each in so far as it is concerned, by its domestic legislation, the manner in which the principle contained in Article XIV is to be applied.

“The stipulations of Article XIV of the Berne Convention and of the present clause of the Final Protocol shall apply equally to the exclusive right of translation in so far as such right is established by the present Additional Act.

“The above-mentioned temporary stipulations shall apply in case of new accessions to the Union.”

### ARTICLE III.

The countries of the Union which are not parties to the present Additional Act, shall at any time be allowed to accede thereto on their request to that effect. This stipulation shall apply equally to countries which may hereafter accede to the Convention of the 9th September, 1886. It will suffice for this purpose that such accession should be notified in writing to the Swiss Federal Council, who shall in turn communicate it to the other Governments.

### ARTICLE IV.

The present Additional Act shall have the same force and duration as the Convention of the 9th September, 1886.

It shall be ratified, and the ratifications shall be exchanged at Paris, in the manner adopted in the case of that Convention, as soon as possible, and within the space of one year at the latest.

It shall come into force as regards those countries which shall have ratified it three months after such exchange of ratifications.

### FOURTH SCHEDULE.

#### RESERVATIONS MADE TO THE BERLIN CONVENTION.

Country.	Subject.	Provisions remaining in force.
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#### PART I.

Great Britain	...      ...	Retrospective effect      ...	Article 14 and paragraph 4 of the Final Protocol of the Berne Convention, as amended by the Additional Act.
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#### PART II.

France	...	... {	Works of art applied to industrial purposes.	Provisions of Berne Convention and Additional Act.
Tunis	...	... {	Translating right      ...	Article 5 of the Berne Convention, as amended by the Additional Act.
Japan	...	... {	Performing right in musical works.	Article 9, paragraph 3, of the Berne Convention.
		... {	Works of architecture      ...	Article 4 of the Berne Convention.
Norway	...	... {	Newspaper and magazine articles.	Article 7 of the Berne Convention.
		... {	Retrospective effect      ...	Article 14 of the Berne Convention.

## FIFTH SCHEDULE.

Orders in Council, of the dates named below, for securing the privileges of copyright in His Majesty's dominions to authors of literary and artistic works first produced in the following foreign countries, namely:—

Date of Order.	Countries to which it extends.
November 28, 1887	... ... ... Belgium, France, Germany, Hayti, Italy, Spain, Switzerland and Tunis.
August 10, 1888	... ... ... Luxemburg.
October 15, 1889	... ... ... Monaco.
August 1, 1896	... ... ... Norway.
March 7, 1898	... ... ... Belgium, France, Germany, Italy, Luxemburg, Monaco, Spain, Switzerland and Tunis.
May 19, 1898	... ... ... Hayti.
August 8, 1899	... ... ... Japan.
October 9, 1903	... ... ... Denmark and the Faroe Islands.
December 12, 1904	... ... ... Sweden.
November 28, 1908	... ... ... Liberia.
March 2, 1909	... ... ... German Protectorates.

L. C. PORTER,  
Secretary to the Government of India.

## NOTIFICATIONS BY THE CHIEF COMMISSIONER OF DELHI.

Dated the 29th October, 1912.

No. 422-Edn.—In supersession of bye-laws published with Punjab Government Notification No. 285, dated 28th June 1899, and 154, dated 24th February 1909, the following revised bye-laws regarding the supersession and regulations of stand-posts and rules regarding water supply to private houses which have been framed under Sections 97 and 201 of Act III of 1911 (Punjab Municipal Act) by the Municipal Committee of Delhi, have received the confirmation of the Chief Commissioner and are hereby published for general information. These rules shall have effect after the expiration of six weeks from the date of publication.

## Bye-laws for the Regulation of Water Supply for Delhi Municipality.

## PART I.

## PUBLIC SUPPLY.

1.—Anyone found bathing or washing clothes or other articles at a public stand-post or tampering with or damaging a public stand-post or drawing or trying to draw water from a public stand-post except by the proper method or wilfully wasting water from a public stand-post shall on conviction by a magistrate, be liable to a fine of not exceeding Rs. 50.

2.—Anyone using water from a public stand-post for other than domestic\* purposes shall on conviction by a magistrate, be liable to a fine of not exceeding Rs. 50.

NOTE.—Where troughs are not provided, it will be understood that animals will be allowed to drink in the usual way.

(*Vide* Section 97 (2) of Punjab Municipal Act III of 1911.)

\* A supply of water for domestic purposes shall not be deemed to include a supply :—  
 (a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire,  
 (b) for any trade, manufacture or business,  
 (c) for fountains, swimming baths or for any ornamental or mechanical purpose,  
 (d) for gardens or for purposes of irrigation,  
 (e) for watering roads or paths,  
 (f) for building purposes.

## PART II.

## PRIVATE SUPPLY.

1.—No connection with the Municipal mains for a private water-supply shall be made in any private premises except on the application of the owner or his recognised agent, who shall be registered as the consumer and shall be responsible for the keeping of the bye-laws as far as the connections on his property are concerned.

2.—All applications for a private water-supply from the Municipal mains shall be made to the Secretary, Municipal Committee, on the printed Form A (to be obtained free from the Tax Superintendent) and shall be accompanied by an estimate fee of Re. 1. This fee will be returned to the applicant if for any reason other than the fault of the applicant, no estimate is framed.

3.—If on the receipt of the estimate the applicant wishes to have the connection made, he shall deposit at the Secretary's Office the amount of the estimate together with one quarter's dues in advance. The Municipal Engineer will then be directed to execute the work.

4.—Water rate for unmetered connections shall be charged at the following rate:—

$\frac{1}{4}$  in. Rs. 1 4 0 per mensem.  
 $\frac{3}{8}$  in. " 2 8 0 per mensem.

A charge of Annas 2 each per month will be made for all taps in excess of three.

The charges for metered connections shall be as follows:—

Size.	For water. Rs. A. P.	Meter rent.
		Rs. A. P.
$\frac{1}{4}$ in.	0 8 0	1 0 0 per mensem.
$\frac{3}{8}$ in.	1 0 0	1 0 0 "
$\frac{1}{2}$ in.	2 0 0	1 0 0 "
$\frac{3}{4}$ in.	5 0 0	1 4 0 "
1 in.	8 0 0	1 12 0 "

For connections larger than one inch special terms shall be made by the Municipal Committee for each connection.

5.—All charges shall be calculated by Calendar months: fractions of a month of fifteen days or less shall be considered as half a month and over fifteen days and less than a month as one month.

6.—Water used for building purposes whether taken from a public stand post or an unmetered private connection shall be paid for by the person building (*i.e.*, owner) at the following rates:—

Where the value of the work does not exceed:—

Rs.	Rs.
1,000	the charge shall be
1,500	do. do. 10
2,000	do. do. 14
2,500	do. do. 17
3,000	do. do. 20
3,500	do. do. 24
4,000	do. do. 27
4,500	do. do. 31
5,000	do. do. 34
	5,000 do. do. 38

Where the amount exceeds 5,000,  $\frac{1}{2}$  per cent. shall be charged on the excess above that sum.

7.—A connection of over  $\frac{1}{2}$  inch may be used on application to the Committee by more than one house on terms to be fixed by the Committee.

*Explanation:—*

Tenements occupied by different families in the same building are separate houses unless there is any internal means of communications.

8.—All connections over  $\frac{1}{2}$  inch, and all connections in houses to which gardens are attached, shall be metered.

9.—For metered connections supplying water for domestic purposes only, free allowances are granted as follows:—

$\frac{1}{4}$ inch ...	...	...	...	2,000 gallons per mensem.
$\frac{3}{8}$ " ...	...	...	...	4,000 do.
$\frac{1}{2}$ " ...	...	...	...	8,000 do.
$\frac{3}{4}$ " ...	...	...	...	20,000 do.
1 " ...	...	...	...	30,000 do.

Water consumed in excess and water consumed in bulk for other than domestic purposes shall be paid for at six annas a thousand gallons. (About 1 pice for 8 mushaks full).

10.—The Municipal Committee may fix a meter to any connection where it considers the consumption is, or is likely to be, excessive or where it suspects that water is wasted and charge according to the sanctioned rates for metered connections.

11.—The Municipal Committee may allow water connections free for public or charitable purposes, but should the registered consumer for any such free connection allow water to be wasted, the Municipal Committee may cancel the grant of a free connection.

12.—Any registered consumer may challenge the correctness of his meter by depositing a fee of Rs. 3. If the meter records an excess of 2 per cent. or over, the fee will be returned.

13.—All sums due for water rate and meter rent shall be paid quarterly in advance.

14.—All sums due for repairs, excess consumption and other charges, shall be paid within seven days of the presentation of the demand.

15.—Any registered consumer who wishes to close his connection shall give fifteen days notice in writing to the Municipal Committee, after the expiry of which water rate shall not be charged.

16.—If any person other than the owner wishes to reopen a connection or keep open a connection which would otherwise be closed, he shall enter into an agreement undertaking the responsibilities of the registered consumer and he shall remain responsible as long as the connection remains open. If the Secretary thinks fit such applicant shall be called upon to deposit a sum not exceeding Rs. 20 as security for the cost of excess consumption.

17.—All applications to reopen a connection shall be accompanied by a fee of Re. 1 and water rate and meter rent for one quarter.

18.—No alteration or extension to an unmetered connection shall be made and no connection shall be opened or closed except with the written authority of the Municipal Committee.

19.—No private supply meter and no pipe or main leading to such a meter shall be tampered with without the written authority of the Municipal Committee.

20.—Any defect in an unmetered connection whereby water runs to waste shall be immediately reported to the Secretary. The Secretary is empowered to stop the water running pending repairs.

21.—For any breach of rules 13, 14, 18, 19, the Secretary of the Municipality is empowered to cut off the connection, and the Municipal Committee may also impose a penalty not exceeding fifty rupees which shall be paid before the connection is re-opened.

22.—No house shall be supplied with water from the service connection of any adjoining house or premises.

23.—No fountain or cistern shall be connected with any unmetered connection except with the written sanction of the Municipal Committee.

24.—It shall be lawful for the Municipal Committee's servants not below the rank of Inspector to inspect any premises at reasonable times for the purposes of inspecting the water pipes, taps, etc. Ordinarily notice should be given to the owner before entry and all reasonable facilities for inspection shall be afforded by the owner or occupier of the premises.

25.—No connection will be granted unless drainage arrangements have been made for the disposal of waste water to the satisfaction of the Sanitary authorities of the Municipality.

26.—No taps shall be allowed to project outside any premises or in such a position as to be available for use by the public or be fixed in close proximity to privies, open drains and places where injurious gases are likely to be produced.

27.—Where the use of a water tap causes premises to become in the opinion of the Sanitary Officers of the Municipal Committee insanitary, the Municipal Committee may cut off the water connection until Sanitary arrangements have been made to the satisfaction of the Sanitary Officers.

28.—Any person who :—

- (a) wilfully allows water to be wasted from a private connection or,
- (b) opens a connection which has been closed under these rules or,
- (c) tampers with any water main meter or connection, shall, on conviction by a magistrate, be liable to the fines and punishments authorised by Sections 199 (1) & (2) of Act III of 1911, or to punishment under the Indian Penal Code.

8 Anna stamp.

## Form A.

## DELHI MUNICIPAL WATER SUPPLY.

To

THE SECRETARY,

MUNICIPAL COMMITTEE,

DELHI.

SIR,

Will you please put before the Committee my application for a private water supply from the Municipal mains. The premises where the connection is needed are described below and belong to me. I undertake to conform to the Municipal Water Supply Bye-laws, and enclose herewith an estimate fee of Re. 1.

I am,

Yours faithfully,

Ward No. \_\_\_\_\_ Street, Mohalla, etc., \_\_\_\_\_

Description of property \_\_\_\_\_

House owner's name, Father's name, Caste, etc. \_\_\_\_\_

Size of ferrule required \_\_\_\_\_ No. of taps required \_\_\_\_\_

Other particulars \_\_\_\_\_

*N.B.—This form may be obtained free from the Tax Superintendent's Office.*

W. M. HAILEY,  
Chief Commissioner, Delhi Province.

## ARMY DEPARTMENT.

*Simla, the 1st November 1912.*

## APPOINTMENTS.

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## SUB-ASSISTANT SURGEON BRANCH.

*Bengal Establishment.*

No. 1032.—The undermentioned Native Military Pupils, having passed their final examination, are admitted into the service as 3rd Class Sub-Assistant Surgeons, with effect from the dates specified :—

No. 1338, Hem Chandra Tapadar  
 No. 1339, Rajendra Kishore Sen Gupta  
 No. 1340, Dinesh Chandra Sen  
 No. 1341, Dhirendra Nath Das Gupta  
 No. 1342, Bidhu Bhusan Bose  
 No. 1343, Shashi Kumar Das  
 No. 1344, Ananda Gopal Bandyopadhyay  
 No. 1345, Sharafat Ali Khan  
 No. 1346, Nagendra Nath Das Gupta  
 No. 1347, Soroshi Ranjan Sen  
 No. 1348, Loknath Chakravarti  
 No. 1349, Pratul Chandra Chakravarti  
 No. 1350, Khageswar Bhuyan  
 No. 1351, Nirod Baran Bhattacharya  
 No. 1352, Shaikh Muhammad Abdul Mattalib  
 No. 1353, Kamal Chandra Datta  
 No. 1354, Lal Singh  
 No. 1355, Sham Lal  
 No. 1356, Balram Das  
 No. 1357, Yahub Ali  
 No. 1358, Brahma Swarup Bhatnagar  
 No. 1359, Birendra Nath Das  
 No. 1360, Mathura-parshad Sarswit  
 No. 1361, Waryam Singh

},—1st April 1912.

},—12th April 1912.

},—16th April 1912.

No. 1362, Raj Singh  
 No. 1363, Sri Ram  
 No. 1364, Roshan Lal  
 No. 1365, Ganga Singh  
 No. 1366, Muhammad Husain  
 No. 1367, Muhammad Said  
 No. 1368, Balbhadar-parshad Misra  
 No. 1369, Jatindra Nath Neogi  
 No. 1370, Saiyid Jafar Husain  
 No. 1371, Dwigendra Chandra Ghosh

},—12th June 1912.

},—4th July 1912.

(Army Department Notification No. 700, dated the 19th July 1912, is hereby cancelled.)

*Bombay Establishment.*

No. 1033.—The undermentioned Native Military Pupils, having passed their final examination, are admitted into the service as 3rd Class Sub-Assistant Surgeons, with effect from the 18th September 1912 :—

No. 395, Shankar Gopal Patwardhan.  
 No. 396, Pandurang Ramchandra Dhavle.  
 No. 397, Balwant Yeshwant Mahajani.  
 No. 398, Dhirajlal Virjibhai Bhatt.  
 No. 399, Yeshwant Rao Ganesh Bhatanadekar.  
 No. 400, Kamlashankar M. Sikdar.  
 No. 401, Chiman Rao Anand Rao Doctor.  
 No. 402, Shaikh Muhammad Dadasahib.  
 No. 403, Zaver Singh Hari Singh Bailiff.  
 No. 404, Balkrishna Trimbak Lele.  
 No. 405, Raghuel Isudas Harry.  
 No. 406, Dinanath Babu Rao Sirsat.  
 No. 407, Vasant Sakharam Gaikawad.  
 No. 408, Jadunath Ishwar Trivedi.  
 No. 409, Chhotelal Krishnaram Bhatt.  
 No. 410, Khande Rao Lakshman Rao Powar.  
 No. 411, Ramchandra Gopal Thitte.  
 No. 412, Ramkrishna Mahadeo Haldankar.  
 No. 413, Vaman Balwant Unde.

*LONDON GAZETTE.*

No. 1034.—The following extracts are published for general information:—

“London Gazette,” dated the 8th October 1912, pages 7371, 7372, 7374 and 7375.

\* \* \* \* \*

War Office,

8th October 1912.

\* \* \* \* \*

*MEMORANDA.*

Colonel Arthur B. C. Williams, Indian Army, is granted the temporary rank of Brigadier-General while employed as Director of Supplies and Transport in India. Dated 1st September 1912.

\* \* \* \* \*

India Office,  
October 8, 1912.

The KING has approved of the promotion of the following officers of the Indian Army, Indian Medical Service and Indian Army Departments:—

INDIAN ARMY.

*Majors to be Lieutenant-Colonels.*

Dated 25th August 1912.

Brevet Lieutenant-Colonel Sir George Olof Roos-Keppel, K.C.I.E., Supernumerary List.

Henry William Richard Senior, 10th Gurkha Rifles.

Ernest Stanley Hall, 47th Sikhs.

Frederick William Charles Turner, 20th Deccan Horse.

Ernest Joseph Macfarlane Wood, 97th Deccan Infantry.

Walter Dickens Daunt, 39th King George's Own Central India Horse.

Frank Lloyd Vincent, 37th Lancers (Baluch Horse).

Harry Alexander Moore, 36th Sikhs.

Walter George Hodgson, Cantonment Magistrates' Department.

Robert Montrésor Lowis, Supernumerary List.

Alfred Carnac Watson, 11th Rajputs.

Theodore Charles MacKenzie Trower Hogg, 8th Cavalry.

Bertrand Evelyn Mellish Gurdon, C.I.E., D.S.O., Supernumerary List.

John Walter Beresford Merewether, Supernumerary List.

William George Grey, Supernumerary List.

*Lieutenants to be Captains.*

Dated 12th August 1912.

Allston Flagg, 25th Punjabis.

Dated 19th August 1912.

Arnold Talbot Wilson, Political Employ.

Ramsay Rainsford-Hannay, 45th Rattray's Sikhs.

John Harald Gore Palmer, 21st Punjabis.

Denis Erskine Knollys, 19th Punjabis.

David Inglis, 4th Gurkha Rifles.

Frederick Gwatkin, 18th King George's Own Lancers.

Donald Kenneth McLeod, Queen Victoria's Own Corps of Guides (Lumsden's).

Francis Robert Farquhar, 36th Jacob's Horse.

Alec Thompson, 112th Infantry.

Ogilvie David Bennett, 26th Punjabis.

Gerald Charles Balfour Buckland, 8th Gurkha Rifles.

William Cuppайдge Norris Lee, 37th Lancers (Baluch Horse).

Ronald Edmund Barrow, 38th Dogras.

Charles Hemsley, 64th Pioneers.

Frederick James Chadwick, 104th Wellesley's Rifles.

Edric Sherwood Harcourt, 7th Gurkha Rifles.

Arthur Marcus Mosely Cheeke, 104th Wellesley's Rifles.

Eric Harry Pemberton, 19th Punjabis.

Eric Maitland Hobday, 41st Dogras.

Geoffrey Gordon Richardson, 105th Mahratta Light Infantry.

Donald Macintyre, 2nd King Edward's Own Gurkha Rifles (The Sirmoor Rifles).

Dated 30th August 1912.

Kenneth Buchanan McKenzie, 123rd Outram's Rifles.

NOTE.—The promotion of Lieutenant-Colonel Lewin Barlow Walton to that rank dates from the 10th May 1912, and not 9th May 1912, as notified in the London Gazette of the 16th July 1912.

INDIAN MEDICAL SERVICE.

*Majors to be Lieutenant-Colonels.*

Dated 27th July 1912.

Patrick Balfour Haig, M.B.

Ralph Henry Maddox, M.B.

Edward Victor Hugo, M.D., F.R.C.S.

Harry George Melville, M.D., F.R.C.S.E.

Herbert Austen Smith, M.B.

Douglas Richard Green, M.D.

George McIver Campbell Smith, M.B.

Joseph George Hubert, M.B.

Francis Edward Swinton.

Sidney Harvey Burnett, M.B.

Thomas Jackson, M.B.

Pulteney Charles Gabbett.

John Lewis Macrae, M.B.

*Lieutenant to be Captain.*

Robert Inglis Binning, M.B. Dated 31st July 1912.

INDIAN ARMY DEPARTMENTS.

*Deputy Commissaries with the Honorary rank of Captain to be Commissaries with the Honorary rank of Captain.*

Dated 4th July 1912.

Jacob Pike.

Andrew William Underwood.

*Assistant Commissaries with the Honorary rank of Lieutenant to be Deputy Commissaries with the Honorary rank of Captain.*

Dated 4th July 1912.

John Duggan.

Dated 8th July 1912.

Richard Morris.

*To be Assistant Commissary with the Honorary rank of Lieutenant.*

Conductor Edwin Jones. Dated 4th July 1912.

NOTE.—The name of Commissary and Honorary Captain Archibald Augustus Martinnant is as now stated and not as in the London Gazettes of the 15th May 1906, 10th September 1907, and 5th October 1909.

The name of Commissary and Honorary Captain Denis Rennick is as now stated and not as in the London Gazettes of the 5th October 1909, 22nd March 1910, and 19th May 1911.

The KING has approved of the resignation of the undermentioned officer of the Indian Army :—

Lieutenant Oswald Campbell Radford. Dated 15th April 1912.

The KING has approved of the retirement of the undermentioned officers of the Indian Army, Indian Medical Service and Indian Army Departments :—

#### INDIAN ARMY.

Colonel Charles Henry Westmorland, C.B. Dated 21st September 1912.

Brevet Colonel Stewart Douglas Gordon. Dated 21st September 1912.

Lieutenant-Colonel Robert Henry Dewing. Dated 1st October 1912.

#### INDIAN MEDICAL SERVICE.

Lieutenant-Colonel Douglas Richard Green, M.D. Dated 1st August 1912.

Lieutenant-Colonel Edward Richard William Charles Carroll. Dated 25th August 1912.

Lieutenant-Colonel Clarence Edwin Lloyd Gilbert. Dated 21st September 1912.

#### INDIAN ARMY DEPARTMENTS.

Commissary and Honorary Captain James Lonergan. Dated 4th July 1912.

\* \* \* \* \*

*"London Gazette," dated the 11th October 1912, pages 7489 and 7490.*

\* \* \* \* \*

War Office,

11th October 1912.

\* \* \* \* \*

The undermentioned Native Officers, Indian Army, are granted honorary rank on retirement :—

#### As Captain.

Subadar-Major Hara Singh, Sardar Bahadur, I.O.M., 91st Punjabis (Light Infantry). Dated 15th July 1912.

#### As Lieutenant.

Subadar Alahdad Khan, Sardar Bahadur, I.O.M., 127th Queen Mary's Own Baluch Light Infantry. Dated 15th June 1912.

\* \* \* \* \*

#### ORGANISATION.

#### ARMY RESERVES.

No. 1035.—Norman Leopold Inkson to be a Second Lieutenant in the Infantry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated the 1st November 1912.

#### PROMOTIONS.

#### INDIAN ARMY.

No. 1036.—The following promotions are made, subject to His Majesty's approval:—

*1 Majors to be Lieutenant-Colonels.*

6th October 1912.

Lionel Nicholson Beatty, Commandant, 31st Duke of Connaught's Own Lancers.

27th October 1912.

William Leith Malcolm, 31st Punjabis.

INDIAN MEDICAL SERVICE.

No. 1037.—The date of promotion of Lieutenant-Colonel B. B. Grayfoot, M.D., is 26th August 1912 and not as stated in Army Department Notification No. 978, dated the 11th October 1912.

NATIVE ARMY.

APPOINTMENTS AND PROMOTIONS.

No. 1038.—Subject to His Majesty's approval, the honorary rank of Lieutenant is conferred, on retirement, on Subadar Shaikh Ibrahim, *Sardar Bahadur*, 116th Mahrattas. Dated the 2nd September 1912.

No. 1039.—The following promotions are made:—

3rd Skinner's Horse.

Risaldar Ashraf Ali Khan to be Risaldar-Major, *vice* Thakur Zalim Singh, *Bahadur*, deceased; with effect from the 31st August 1912.

1st Duke of Connaught's Own Lancers.

Ressaider Jagat Rao Surwe to be Risaldar, Jemadar Govind Rao Sawant to be Ressaider and Lance-Dafadar Kehar Singh to be Jemadar, *vice* Bhola Singh, deceased; with effect from the 11th September 1912.

64th Pioneers.

Havildar Viraraghavulu to be Jemadar, *vice* Munisami, transferred to the pension establishment; with effect from the 1st October 1912.

125th Napier's Rifles.

Lance-Dafadar Sarfaraz Khan, 37th Lancers (Baluch Horse), to be Jemadar, on probation, *vice* Khwaja, discharged; with effect from the 17th September 1912.

128th Pioneers.

Private Sher Afzal to be Jemadar, on probation, *vice* Jemadar Kushal Khan, promoted; with effect from the 11th July 1912.

8th Rajputs.

No. 1040.—The promotions of Jemadar Lalla Singh (I) and Havildar Mahesh Singh notified in Army Department Notification No. 711, dated the 19th July 1912, should have effect from the 26th March 1912, and not as therein stated.

SUPPLY AND TRANSPORT CORPS.

No. 1041.—The following appointment is made in the Reserve of the Supply and Transport Corps:—

To be Ressaider.

Shabbir Ali Khan of the Jaunpur District.

RETIREMENTS.

INDIAN ARMY.

No. 1042.—The undermentioned officers have been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval, with effect from the dates specified:—

Major-General William du Gard Gray, C.B.,—12th October 1912.

Brevet Colonel Charles Hutton Dawson,—23rd October 1912.

## INDIAN MEDICAL SERVICE.

No. 1043.—Captain Roderick Dear MacGregor, M.B., has been transferred by the Most Hon'ble the Secretary of State for India to the Retired List on permanent half-pay subject to His Majesty's approval; with effect from the 28th October 1912.

No. 1044.—The date of retirement of Colonel W. A. Corkery is 26th August 1912 and not as stated in Army Department Notification No. 859, dated the 6th September 1912.

## VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Calcutta Port Defence Volunteer Corps.**(Naval Divisions).*

No. 1045.—Sub-Lieutenant Robert Graham Beadle resigns his commission. Dated the 1st October 1912.

*Calcutta Light Horse.*

No. 1046.—Lieutenant-Colonel Archibald John Pugh to be Commandant, *vice* E. C. Apostolides, V.D., resigned. Dated the 1st April 1912.

*Assam Valley Light Horse.*

No. 1047.—Archibald Moffat to be Second Lieutenant, to fill an existing vacancy. Dated the 2nd July 1912.

*United Provinces Horse.**2nd (Northern) Regiment.*

No. 1048.—James Clark to be Second Lieutenant, to fill an existing vacancy. Dated the 17th September 1912.

B. HOLLOWAY, *Colonel*,  
*Offg. Secretary to the Government of India.*

## MARINE DEPARTMENT.

*Simla, the 1st November 1912.*

## LEAVE.

No. 64.—Engineer S. G. Donofield, Royal Indian Marine, has been granted an extension of leave by the Most Hon'ble the Secretary of State for India, till the 19th January 1913 (medical certificate).

No. 65.—Assistant Constructor W. C. King, Royal Indian Marine, has been granted by the Most Hon'ble the Secretary of State for India, a further extension of leave for three months on medical certificate.

## PROMOTIONS.

No. 66.—In continuation of Marine Department Notification No. 45, dated the 19th July 1912, the following promotions are made in the Royal Indian Marine, *vice* Commander W. B. Huddleston, Royal Indian Marine, promoted; with effect from the 13th April 1912:—

*To be Commander, 2nd Grade.*

Commander A. S. Balfour, Royal Indian Marine.

*To be Commander, 3rd Grade.*

Lieutenant F. V. DeBurgh, Royal Indian Marine.

B. HOLLOWAY, *Colonel*,  
*Offg. Secretary to the Government of India.*

## RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

## NOTIFICATIONS.

*Simla, the 28th October, 1912.*

**No. 208.**—In continuation of Notification No. 231, dated 25th October 1906, it is hereby notified, for general information, that the Railway Board have sanctioned a re-survey being carried out by the Agency of the Great Indian Peninsula Railway Administration for a line of railway on the 5' 6" gauge from Bhir to Bhopal, a distance of about 114 miles.

This survey will be known as the Bhir Bhopal Railway Resurvey.

*The 30th October, 1912.*

**No. 209.**—In Notification No. 148, dated 23rd August 1912, for "42 miles" read "61 miles."

**No. 210.**—Sergeant P. J. Watkins, Supervisor, 2nd grade, is appointed to officiate as an Assistant Engineer, State Railways, while attached to the Karachi Extension Railway Survey.

**No. 211.**—The services of Mr. D. G. Dani, Executive Engineer, State Railways, are lent to the Mysore Durbar, with effect from the 12th October 1912.

*The 1st November, 1912.*

**No. 212.**—It is hereby notified for general information that the Government of India have sanctioned the construction by the Mysore Durbar of a line of railway on the 2' 6" gauge from Bowringpet to Kolar, a distance of 11 miles.

**No. 213.**—Mr. W. O. Chalk, Assistant Locomotive Superintendent, North Western Railway, in Class III, grade 2, of the Superior Revenue Establishment of State Railways, is appointed to officiate as a District Locomotive Superintendent in Class II with effect from the 10th September 1912 and until further orders.

**No. 214.**—The following is published for general information:—

No. 2161-R.T., dated the 30th October 1912.

RESOLUTION—By the Railway Board.

**Adoption on the Darjeeling-Himalayan Railway and on the Dehri-Rohtas Light Railway, of the revised Chapter III, and of the amendments in Chapters II and IV, Part II, of the General Rules of 1906, for working open lines of railway—Revised Rules to regulate the packing and carriage by railway in India of offensive and dangerous goods, and penalties for the breaches of certain rules.**

**RESOLUTION.**—The Administrations of the railways, not administered by Government, which are noted on the margin,\* have applied for the adoption on those railways, of the revised Chapter III and the amendments in Chapters II and IV, specified in the enclosures to Railway Board's Circular No. 1025 R.T., dated the 10th June 1912, and published under their Notification No. 71, dated the 13th June 1912, of Part II of the General Rules of 1906, for working open lines of railway in British India, which rules and certain amendments thereto were sanctioned for adoption on those railways, respectively, in the following Railway Board's resolutions and notifications:—

Resolutions Nos. 553 R.T., 1165 R.T., and 604 R.T., dated, respectively, the 19th March 1908, 25th June 1908 and 28th April 1911, and Notifications Nos. 96, 190 and 122, dated, respectively, the 27th March 1908, 30th June 1908 and 5th May 1911, and

Resolutions Nos. 233 R.T. and 815 R.T., dated, respectively, the 13th February 1911 and 12th June 1911, and Notifications Nos. 52 and 174, dated, respectively, the 21st February 1911 and 15th June 1911.

2. In exercise of the powers conferred by the Notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board sanction, under section 47, sub-section (3) of the Indian Railways Act, 1890 (IX of 1890), the adoption of the revised rules and of the amendments cited in paragraph 1 above, on the Darjeeling-Himalayan Railway and on the Dehri-Rohtas Light Railway.

**ORDER.**—Ordered, that this resolution be published under a notification in Part I of the *Gazette of India* as required by section 47, sub-section (3) of the Indian Railways Act, 1890 (IX of 1890), and that a copy of the amended General Rules be kept open for inspection at railway stations as directed by

The Government of Bengal, Railway Department.

The Government of Bihar and Orissa, Public Works Department, Railway Branch.

Senior Government Inspector of Railways, Circle No. 2, Calcutta.

Secretary, Indian Railway Conference Association.

**No. 215.**—In modification of Notification No. 16, dated the 20th January 1911, and in pursuance of Order XXI, rule 48, sub-rule (1), of the rules in the first schedule to the Code of Civil Procedure, 1908, the Governor General in Council is pleased to direct that notices of orders attaching the salary or allowances of persons employed in the Offices of the Government Inspectors of Railways shall be sent to the officer specified in column 2 of the Schedule hereto annexed.

*The Schedule.*

Department or office in which judgment-debtor is employed.	Officer to whom notice should be sent.
1	2
Office of Senior Government Inspector, Circle No. I, Calcutta	...
Office of Junior Government Inspector, Circle No. I, Rangoon	...
Office of Senior Government Inspector, Circle No. II, Calcutta	...
Office of Junior Government Inspector, Circle No. II, Calcutta	...
Office of Senior Government Inspector, Circle No. III, Lucknow	...
Office of the Junior Government Inspector, Circle No. III, Gorakhpur	
Office of Senior Government Inspector, Circle No. IV, Lahore	... Examiner of Accounts, Oudh and Rohilkhand Railway.
Office of Senior Government Inspector, Circle No. V, Bombay	...
Office of Junior Government Inspector, Circle No. V, Bombay	...
Office of Senior Government Inspector, Circle No. VI, Bombay	...
Office of Junior Government Inspector, Circle No. VI, Bombay	...
Office of Senior Government Inspector, Circle No. VII, Madras	...
Office of Junior Government Inspector, Circle No. VII, Madras	...

**No. 216.**—His Majesty's Secretary of State for India has appointed Sir Henry P. Burt, K.C.I.E., Manager, North Western Railway, to be a temporary additional member of the Railway Board.

**No. 217.**—With reference to Railway Board's Notification No. 216, dated 1st November 1912, Major W. D. Waghorn, R.E., Deputy Manager, North Western Railway (on special duty), is appointed to officiate as Manager of that Railway until further orders.

R. C. F. VOLKERS,

*Secretary, Railway Board.*